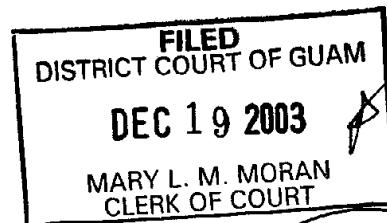


Tony H. Ashtiani
P.O.Box 12723
Tamuning Guam 96931
671-688-4844
671-653-5575



UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

125

Tony H. Ashtiani,

Plaintiff,

vs..

**Continental Micronesia Inc,
Dba, Continental Micronesia,
Continental Airlines.**

Defendant

) Civil Case No.: 02-00032
)
) **AFFIDAVIT OF TONY H. ASHTIANI TO**
) **AUTHENTICATE EXHIBITS ON**
) **RECORDS IN SUPPORT OF**
) **OPPOSITION TO DEFENDANTS'**
) **MOTION TO STRIKE ASHTIANIS'**
) **EXHIBITS.**
)
) **EXHIBITS 1 thru 55**
)

Guam U.S.A) SS:

Municipality of Hagatna)

I, Tony. H. Ashtiani, being first fully sworn, depose and say:

1. All the statements made in this affidavit are based on my personal knowledge.
 2. All exhibits referred to herein and attached are records from CMI produced during meetings, production of documents, declarations, statements of my co-workers at own will to assist me. Declaration of Mark Williams. USC 28 & 1746. Evidence ; Documentary. Matthew & Bender forms states “A declaration under penalty of perjury may always be substituted for a sworn affidavit.”
 3. I am over 18 years of age and fully competent to make this affidavit.

ORIGINAL

4. Attached hereto as Exhibit (1) and (1A) is a declaration of Vince Diaz Clearly stating that mechanics took sick calls and passed down verbally to supervisor and that mechanics that called another mechanic for sick calls were not considered no call/ no show, and were not reprimanded. This was in house policy at CMI maintenance department.

Also See Vince Diaz's Affidavit.

5. Attached hereto as Exhibit (2) and (2A) is Joe Pangelinan's original declarations stating that Ashtiani did call on Jun 23 2001 due to his son's illness.

6. Attached hereto as Exhibit (3) and (3A) is Joe Pangelinan's original declarations stating he passed verbally to Glenn Mendoza that Ashtiani would not be in Jun 23, and 24, 2001.

7. Attached hereto as Exhibit (4) and (4A) is Ron Roberts original declarations stating "I was told by one supervisor if Glenn would of told me Tony called in all this would not be happening".

8. Attached hereto as Exhibit (5) is a true and correct copy of Ashtiani's first and only evaluation On Jun ,09, 1992 authored by Paul Richards inspection supervisor at Lax airport ,Continental Airlines.

9. Attached hereto is Exhibit (6) is a true and correct copy of The pacific employer published by Carlsmith Ball, law firm representing defendant stating the importance of written performance evaluation.

10. Attached hereto Exhibit (7) is a true and correct copy of attendance audit by William Herrera for year 2000 to May ,15 ,2001 showing Ashtiani had (1) sick day and it is erroneously accelerated to level 3.

11. Attached hereto is Exhibit (8) is a true and correct copy of Steve Martinez's Facsimile with electronic digital signature on top of page (Fed Rule Evid 901 (b)(4),(9)) as and admissible evidence under the rule dated June 10, 2002, in reference to fabricated attendance record by CMI.

12. Attached hereto as Exhibit (9) is a true and correct copy of Fabian Therrell's statement dated October 06, 2002, that trade days are non accountable attendance. Admissible evidence because signature is of defendant's employee.

13. Attached hereto as Exhibit (10) is a true copy and correct copy of Perfect attendance rewards program that Trade days are non-accountable attendances.

14. Attached hereto as Exhibit (11) is a true and correct copy of Form P-138 showing Joby Okada starting to take time off from Nov 28, 1999 for sick grandmother (Okada as my comparator) time off was signed by Glenn Mendoza.

15. Attached hereto as Exhibit (12) is a true and correct copy of swing shift schedule indicating that Joby Okada continued his absences for over 30 days for whole month of December 1999 as comparative worth Ashtiani was unable to take the same time off for his own biological son.

16. Attached hereto as Exhibit (13) is a declaration of Attorney Mark Williams in reference to meeting on Jul 02 2001.

17. Attached hereto as Exhibit (14) is a true and correct copy of Ashtiani's letter to CMI requesting information in reference to a Meeting On July ,02,2001.

18. Attached hereto as Exhibit (15) is a true and correct copy of GCA Title 22 clearly states (d) "Representative Includes any person chosen by an employee to represent him".

19. Attached hereto as Exhibit (16) is a true and correct copy of Teresa Sage On July 02, 2001. Defendants production of document (# 000929) 11 minutes after meeting

20. Attached hereto as Exhibit (17) is a true and correct copy of defendants production of documents (# 000225) requesting plaintiff's pay check on Jun 28 2001 prior to the meeting on Jul 02 2001. admissible evidence corporate letter head under rule 901(b)(4)(9).

21. Attached hereto as Exhibit (18) is a true and correct copy of unauthorized employment practices Civil rights federal statute 42 USC SEC 2000e2 (703)(2)(D) clearly states "Nothing in this Subsection shall construed to authorize or permit the denial to any person of the due process of law requires by the constitution."

22. Attached hereto as Exhibit (19) is a true and correct copy of list of minorities among majorities from December 1999 to July 2001.

23. Attached hereto as Exhibit (20) is a true and correct copy of 3 minorities that were terminated in the period from December 1999 to July 2001. indicating while 9.2 percent of minorities occupied the work force they received 100 percent of all terminations.

25. Attached hereto as Exhibit (21) is a true and correct copy of letter dated April 22, 1994 acting DC-10 Chief pilot Craig Brownrigg commending Ashtiani for outstanding work performance.

26. Attached hereto as Exhibit (22) is a true and correct copy of letter dated August 28, 1994 DC-10 captain Steve Bowman commending Ashtiani for his outstanding dedication and leadership.

27. Attached hereto as Exhibit (23) is a true and correct copy of letter dated February 20 1997 from director Jim Bennett commending Ashtiani for his commitment to CMI.

28. Attached hereto as Exhibit (24) is a true and correct copy of statement dated September 15 2002 of Fabian Therrell stating that Ashtiani is a hard worker and that Sherman Thompson was forced to lie to EEOC.

29. Attached hereto as Exhibit (25) is a true and correct copy of statement dated May 20, 2002 of Fabian Therrell stating that " I have never, till this very day, been told a supervisor must take the call."

30. Attached hereto as Exhibit (26) is a true and correct copy of CMI e-mail dated December 02 ,1999 admitting that Management is well aware to respond within two days to reply back to FMLA certificate.

31. Attached hereto as Exhibit (27) is a true and correct copy of CMI produced document # 000254 dated October 30 2001 (4) months after my termination indicating that Ashtiani was No- show on June 23-24 2001. which is pretext due to declarations exhibits provided 1,2,3, and also See affidavit of Vince Diaz.

32. Attached hereto as Exhibit (28) is a true and correct copy of new letter in EEOC web cite by EEOC director "Subjecting workers to harassment because of their race can be costly to business, not only in monetary terms, but also in terms of increased absenteeism and health care costs, and lower productivity and employee morale.

33. Attached hereto as Exhibit (29) is a true and correct copy of shift turn over log dated April ,03, 2002, indicating Tony Rodriguez mechanic called to Roger Ruiz lead not in supervisory capacity of CMI.

34. Attached hereto as Exhibit (30) is a true and correct copy of shift turn over log dated May 14, 2002, indicating Junior Martinez mechanic called to Victor Saclot another mechanic not in supervisory capacity of CMI.

35. Attached hereto as Exhibit (31) is a true and correct copy of shift turn over log dated May 27, 2002, indicating Marlon Raqueno mechanic called another mechanic Fabian Therrell Also not in supervisor capacity.

36. Attached hereto as Exhibit (32) is a true and correct copy of letter from dated June 14, 2002 to Continental Airlines requesting information of statistics.

37. Attached hereto as Exhibit (33) is a true and correct copy of Continental Airlines respond dated June 18 2002 to EEOC intentionally delaying respond and placing July 3, 2002 as Ashtiani's termination date was July 3, 2001.

38. Attached hereto as Exhibit (34) is a true and correct copy of Continental Airlines respond dated July 10, 2002 moving beginning dates Six months ahead to January 1, 2000 and moving ending dates to July 3, 2001 as to conceal statistical data from EEOC. Corporate letter head.

39. Attached hereto as Exhibit (35) is a true and correct copy of Ashtiani's benefit confirmation sheet dated May 06 ,2001, indicating employee was being deducted for 500,000 Accidental Death and dismemberment. Corporate letter head.

40. Attached hereto as Exhibit (36) is a true and correct copy of the cover letter indicating Ruben Warner Associates, inc and indicate 31 days as Statute of limitations. Corporate letter head

41. Attached hereto as Exhibit (37) is a true and correct copy of the envelope that was intentionally delayed as in cover letter in Exhibit (36) indicates statute of limitation of 31 days and this envelope containing the letter was post dated 38 days after the date of termination. Envelope has corporate logo.

42. Attached hereto as Exhibit (38) is a true and correct copy of Ruben Warner Associate, Inc located at bottom of the page and that the amount 500,000 was different size than 50,000. Corporate Letter head.

43. Attached hereto as Exhibit (39) is a true and correct copy of insurance directory phone numbers by zip codes which I searched on the internet on January 2 , 2002.

44. Attached hereto as Exhibit (40) is a true and correct copy of fax cover sheet as page (1) by Ruben Warner received on January 03 2002.

45. Attached hereto as Exhibit (41) is a true and correct copy of fax by Ruben Warner as page (2). Following day I spoke to a insurance sales and marketing employee I was informed that this insurance policy is invalid for Non US. Residents (Guam residents). Noted that 250,000 numbers were same size as the 50,000 and that CMI had tampered with this document.

46. Attached here to as Exhibit (42) is a true and correct copy of Ruben Warner Associates, inc and it was brought to attention of CMI human resources benefit specialist and policy number was changed and it was initialed by Annie Duenes..

47. Attached hereto as Exhibit (43) is a true and correct copy of EEOC issue new guidance on discrimination in employee benefits.

48. Attached hereto as Exhibit (44) is a true and correct copy of Notice of discrimination dated January 10, 2002.

49. Attached hereto as Exhibit (45) is a true and correct copy of my visit to PMC regarding my son and I was unable to see Mathew's own pediatric in earlier week because Dr. Wolff was off island , I did call the nurse and was told to give him Motrin.

50. Attached hereto as Exhibit (46) is a true and original of my spouse and I visit to CMI clinic dated July ,5 ,2003 when my son was sick again because he keeps sucking his thumb, as Dr. Tobias notes indicates "No sucking thumb".

51. Attached hereto as Exhibit (47) is a true and original of my spouse and I visit to CMI clinic dated September ,24, 2003 Matthew had flu and was sick again and Dr. Lom had also indicated Motrin , which is exactly what I was told to do by PMC nurse when I called to make appointment or walk in , I was told to administrate Motrin and don't bring him because of measles outbreak among children at clinic.

51. Attached hereto as Exhibit (48) is a true and correct copy of shift schedule on June 26 2001 my last day at work. Which I was assigned to work on two aircrafts by myself and on the second aircraft my assignment states that belly load stretcher kit in forward Bin (Cargo bay). I followed my assignment. Usually there are two men assigned to this task by supervisor. These sheets are 11 by 14 inches and have no dates, only the back side has dates, sheets are reduced on copy machine and handed out to mechanics.

52. Attached hereto as Exhibit (49) is a true and correct copy of Charles Salzberg M.D., indicating my Jun 26, 2001, injury lifting heavy object by myself.

53. Attached hereto as Exhibit (50) is a true and correct copy of international brother hood of teamsters grievance form dated December 19, 1999 against Glenn Mendoza, punishing minorities to max for no apparent reasons and simply threatening employer is a protected activity.

54. Attached hereto as Exhibit (51) is a true and correct copy of CMI letter authored by maintenance manager Keith Higgins stating less pay for minorities transferring from

Continental Airlines to CMI . There is no provision in EPA (Equal Pay Act) that allows union contract to supersedes Federal Laws.

55. Attached hereto as Exhibit (52) is a true and correct copy of EEOC fax from asking charging party to request for Notice of Right to Sue and CP declined.

55. Attached hereto as Exhibit (53) is a true and original of undated letter of Larry Kimball to EEOC Raymond Griffin describing desperate treatment of different class of employees at CMI. Admissible signed by defendant employee.

56. Attached hereto as Exhibit (54) is a true and correct copy of defendants production of documents (#000325) dated February 1993 of Mr. James Lujan's discussion of attendance sheet in regards to Ashtiani even though Lujan referred to me by racial slurs, he liked me because I was hard worker, he always commended me for my DC-10 Knowledge

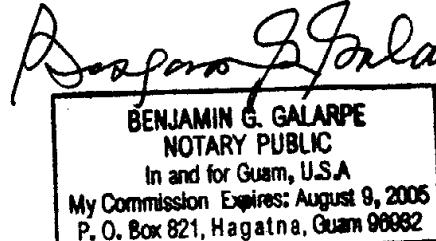
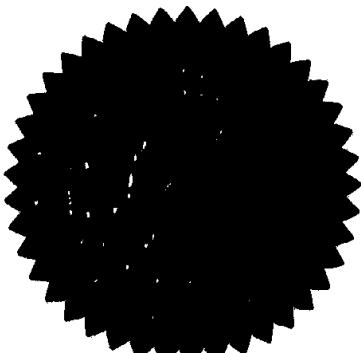
57. Attached hereto as Exhibit (55) is a true and correct copy of November 2001 Continental Times indicating all DC-10-10 and DC-10-30 parked in Mojave Desert. All DC-10 were exited on or about September 2001 (6 weeks after Ashtiani's termination).

I declare under penalty of perjury that the forgoing is true and accurate to the best of my knowledge.

Further Affiant sayeth nauth.

Executed this 19th day of December , 2003. at Hagatna , Guam.

SUBSCRIBED AND SWORN to before me, this 19th day of December 2003, by Tony H. Ashtiani.



DECLARATION

DECLARATION OF Vince Diaz:

I, Vince Diaz declare as follows:

I am an aircraft mechanic at CMI.

Mechanics other than supervisor in the maintenance Department took sick call messages from other employees.

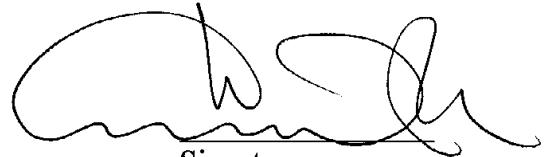
Messages of incoming sick calls were either noted in the shift turner log, or on the message board or passed on verbally to the supervisor on duty.

I have personal knowledge mechanics that called another mechanic for sick calls were not considered No-call/ No- show, and were not reprimanded . This was the in house policy at CMI maintenance department.

I declare that I have first hand knowledge of the forgoing facts. That I have read the forgoing statement and that the information contained herein is true and correct to the best of my knowledge and belief, and that if called as a witness, I could testify competently thereto. I further hereby declare that this declaration is executed under penalty of perjury at Toro, Guam. On 12/15/03.

Vince Diaz

Printed Name


Signature

ExH (1)

DECLARATION

DECLARATION OF Vince Diaz:

I, Vince Diaz declare as follows:

I am an aircraft mechanic at CMI.

Mechanics other than supervisor in the maintenance Department took sick call messages from other employees.

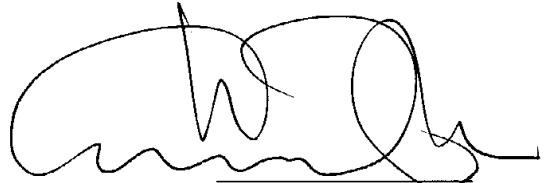
Messages of incoming sick calls were either noted in the shift turner log, or on the message board or passed on verbally to the supervisor on duty.

I have personal knowledge mechanics that called another mechanic for sick calls were not considered No-call/ No- show, and were not reprimanded . This was the in house policy at CMI maintenance department.

I declare that I have first hand knowledge of the forgoing facts. That I have read the forgoing statement and that the information contained herein is true and correct to the best of my knowledge and belief, and that if called as a witness, I could testify competently thereto. I further hereby declare that this declaration is executed under penalty of perjury at Toto, Guam. On 12/15/03.

Vince Diaz

Printed Name



Signature

EXHIBIT
(1A)

DECLARATION

DECLARATION OF JOE . PANGELINAN.

I, Joe Pangelinan declare as follows:

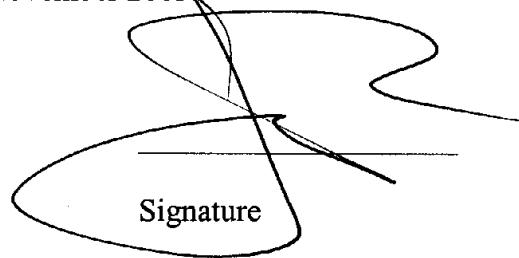
My name is Joe Pangelinan, at my own will I testify that Tony Ashtiani did call on June 23, 2001 at approx. 1250 p.m. that Tony informed me he will not be in due to illness of his son and he would not be in on June 23 and 24 , 2001.

If you have any questions please contact me at Cell 687-2303. Hm. 789-1946.

If called as a witness, I would and could testify competently testify thereto to all facts within my personal knowledge except where stated upon information and belief. I further hereby declare that this declaration is executed under penalty of perjury at AGANA, Guam. on this 17 day of November 2003.



Printed Name



Signature

EXHIBIT
(2)

DECLARATION

DECLARATION OF JOE . PANGELINAN.

I, Joe Pangelinan declare as follows:

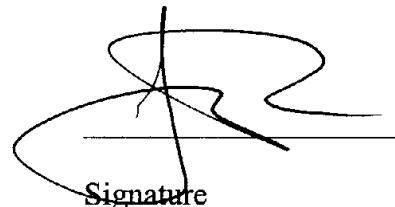
My name is Joe Pangelinan, at my own will I testify that Tony Ashtiani did call on June 23, 2001 at approx. 1250 p.m. that Tony informed me he will not be in due to illness of his son and he would not be in on June 23 and 24 , 2001.

If you have any questions please contact me at Cell 687-2303. Hm. 789-1946.

If called as a witness, I would and could testify competently testify thereto to all facts within my personal knowledge except where stated upon information and belief. I further hereby declare that this declaration is executed under penalty of perjury at AGANA, Guam. on this 17 day of November 2003.

Joseph M. Pangelinan

Printed Name



Signature

EXHIBIT
(2A)

DECLARATION

DECLARATION OF JOE . PANGELINAN.

I, Joe Pangelinan declare as follows:

In addition to previous declaration, I had informed Mr. Mendoza that duty supervisor on duty that Tony Ashtiani would not be in on Jun 23 & 24 2001 at approx 1300, shift starts at 1330.

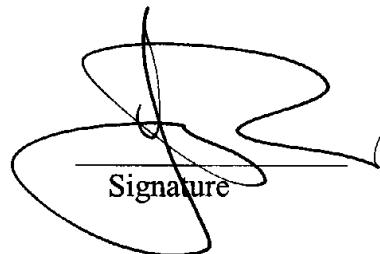
In reference to Mr. Sherman Thompson's statement everyone in the dept knew Tony Ashtiani was of Iranian descent on several occasion Mr. Sherman Thompson would talk Politics about Iran with Tony Ashtiani. Sherman Thompson on different occasions would refer to Tony Ashtiani as his "Persian Brother" or "Iranian Brother." Sherman Thompson is misleading the investigator on Tony Ashtiani knowledge of his nationality.

My personal view on the situation is Mr. Tony Ashtiani is a very respectable and knowledgeable individual in our dept. Please consider his case.

If called as a witness, I would and could testify competently testify thereto to all facts within my personal knowledge except where stated upon information and belief. I further hereby declare that this declaration is executed under penalty of perjury at Agana, Guam. on this 17 day of November 2003.



Printed Name



Signature

Exhibit
(3)

DECLARATION

DECLARATION OF JOE . PANGELINAN.

I, Joe Pangelinan declare as follows:

In addition to previous declaration, I had informed Mr. Mendoza that duty supervisor on duty that Tony Ashtiani would not be in on Jun 23 & 24 2001 at approx 1300, shift starts at 1330.

In reference to Mr. Sherman Thompson's statement everyone in the dept knew Tony Ashtiani was of Iranian descent on several occasion Mr. Sherman Thompson would talk Politics about Iran with Tony Ashtiani. Sherman Thompson on different occasions would refer to Tony Ashtiani as his "Persian Brother" or "Iranian Brother." Sherman Thompson is misleading the investigator on Tony Ashtiani knowledge of his nationality.

My personal view on the situation is Mr. Tony Ashtiani is a very respectable and knowledgeable individual in our dept. Please consider his case.

If called as a witness, I would and could testify competently testify thereto to all facts within my personal knowledge except where stated upon information and belief. I further hereby declare that this declaration is executed under penalty of perjury at AGANA, Guam. on this 17 day of November 2003.

Joseph M. Pangelinan

Printed Name

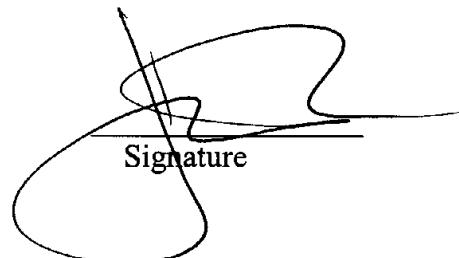

Signature

Exhibit
(3A)

DECLARATION

DECLARATION OF RON ROBERTS .

I, Ron Roberts declare as follows:

During the month of December on or about 11th, 2001. I Ronald Roberts went to Mr. Jim Hammer's office to talk to him about man power. Because of the recent layoff of Aircraft Mechanics when I asked Mr. Hammer about bringing back Mr. Wong (Ed), because we were told, by Mr. John Carbullido who took a year leave of absents. John was told by Mr. Hammer he was recalling Ed Wong. But this was only to keep John Happy until he left. Mr. Hammer had no intentions of bring anyone back, In fact, Mr. Hammer had told me we were still 6 people over-manpower. So I asked Mr. Hammer about Tony Ashtiani who I feel was wrongfully released from the Company because of two supervisor's not communicating with each other. I was told by one supervisor Bill Herrera "If Glenn would of told me Tony Called in all this would not be happening."

Mr. Hammer told me that after the recent event of 9-11 "That Tony Ashtiani would never work around these aircraft again if he could do anything about it because he could not trust people like Mr. Ashtiani." End of statement.

If called as a witness, I would and could testify competently testify thereto to all facts within my personal knowledge except where stated upon information and belief. I further hereby declare that this declaration is executed under penalty of perjury at Yigo, Guam. on this 20th day of November 2003.

RON ROBERTS

Printed Name



Signature

Exhibit
(4)

DECLARATION

DECLARATION OF RON ROBERTS .

I, Ron Roberts declare as follows:

During the month of December on or about 11th, 2001. I Ronald Roberts went to Mr. Jim Hammer's office to talk to him about man power. Because of the recent layoff of Aircraft Mechanics when I asked Mr. Hammer about bringing back Mr. Wong (Ed), because we were told, by Mr. John Carbullido who took a year leave of absents. John was told by Mr. Hammer he was recalling Ed Wong. But this was only to keep John Happy until he left. Mr. Hammer had no intentions of bring anyone back, In fact, Mr. Hammer had told me we were still 6 people over-manpower. So I asked Mr. Hammer about Tony Ashtiani who I feel was wrongfully released from the Company because of two supervisor's not communicating with each other. I was told by one supervisor Bill Herrera "If Glenn would of told me Tony Called in all this would not be happening."

Mr. Hammer told me that after the recent event of 9-11 "That Tony Ashtiani would never work around these aircraft again if he could do anything about it because he could not trust people like Mr. Ashtiani." End of statement.

If called as a witness, I would and could testify competently testify thereto to all facts within my personal knowledge except where stated upon information and belief. I further hereby declare that this declaration is executed under penalty of perjury at YIGO, Guam. on this 20th day of November 2003.

RON ROBERTS

Printed Name



Signature

CERTIFIED COPY

GUAM, U. S. A.,

On this 26th day of November, 2003, I certify that the preceding or attached document, and the duplicate retained by me as a notarial record, are true, exact, stated portion of the "DECLARATION OF RON ROBERTS", presented to me by the document's custodian TONY H. ASHTIANI, held in my copy

Mr Roberts signed Two declaration , This document was typed by notary Public as error, (Elder Gentleman) and I stopped him when I noticed it is original . EXHIBIT (4A) is also Declaration of Mr. Ron Roberts .



EXHIBIT
(4A)



JUN 09 1992

Employee Evaluation/Progress Report

TECHNICAL SERVICES DIVISION

R. V. HARDISTY

 New Hire Upgrade Transfer AnnualEMP. NAME Tony ASHTIANIEMP. NUMBER 05963

EVALUATION

PERIOD: FROM: 4-27-92 TO: 6-7-92STATION LBXDEPT. InspectionJOB CLASS Inspector

(✓) MARK GRADING AS IT APPLIES TO INDIVIDUAL BEING EVALUATED

WORK QUALITY

- ERRORS IMPAIR VALUE OF WORK
 WORK REQUIRES CONSTANT INSPECTION
 WORK IS USUALLY RELIABLE AND ACCURATE
 RARELY ANY ERRORS IN WORK

WORK ABILITY

- WORK NOT FINISHED IN TIME ALLOWED
 USUALLY WORK NOT FINISHED IN TIME ALLOWED
 USUALLY WORK COMPLETED IN TIME ALLOWED
 WORK ALWAYS COMPLETED IN TIME ALLOWED

WORKING WITH OTHERS

- ANNOYS OTHERS
 DOES NOT FIT EASILY INTO THE CREW
 ACCEPTABLE TO ASSOCIATES
 PROMOTES GOOD FEELING

UNDERSTANDING OF JOB

- REQUIRES REPEATED INSTRUCTION/DEMONSTRATION BY SUPERVISOR
 REQUIRES DETAILED EXPLANATION OF PROBLEM AND METHOD
 UNDERSTANDS READILY IF PROBLEM AND METHOD ARE OUTLINED
 REQUIRES LITTLE OR NO HELP TO UNDERSTAND

USE OF TIME

- WASTES TIME WALKING AROUND AND TALKING TO OTHERS
 NEEDS PRODDING OCCASIONALLY
 WORKS STEADILY
 HABITUALLY DRIVES SELF

JOB KNOWLEDGE - How well does employee know job?

U P S VG EX

DEPENDABILITY - How well employee works without supervision in relation to when supervisor is present

U P S VG EX

EXPRESSION - How well employee effectively expresses thoughts and ideas. (Make distinction between oral and written, if different)

U P S VG EX

COOPERATION/GENERAL ATTITUDE - Cooperation and all around attitude displayed towards work, fellow employees, and conformance to company policy and procedures

U P S VG EX

JUDGEMENT AND COMMON SENSE - Judgement and common sense displayed in reaching wise decisions in emergencies or embarrassing situations as well as in routine work

U P S VG EX

INITIATIVE - Alertness in pointing out faults or possible improvements, making suggestions, going ahead without being told, etc.

U P S VG EXBRIEFLY OUTLINE WHAT EMPLOYEE DOES TO FIT OR IMPROVE SELF FOR PRESENT JOB I find Tony at the reader Printer looking up limits, asks other Inspectors for help when needed and myself, if I'm available to help.WHAT APPEAR TO BE EMPLOYEE'S THREE STRONGEST POINTS Appears to be aggressive, Questions mechanics on the job & has good attitudeWHAT APPEAR TO BE EMPLOYEE'S (THREE IF POSSIBLE) WEAKEST POINTS IF Tony continues as he is Today he will be a good Inspector.

ADDITIONAL COMMENTS _____

000115

IN ANY CASE, WHAT SHOULD EMPLOYEE DO TO IMPROVE Continue to work as he is now doingATTITUDE: FRIENDLY COOPERATIVE GRATEFUL FAIR DESIRE TO IMPROVE BELLIGERENT CRITICAL
 NOT INTERESTED STRONG DESIRE TO IMPROVE EMPLOYEE NOT CONVINCED EVALUATION WAS ACCURATE

I acknowledge examination of this report.

T. Ashtiani

(Employee Signature)

6/9/92

(Date)

Paul Richard

(Signature/Title of Evaluator)

6-9-92

(Date of Interview)

EXHIBIT

(5)

DISTRIBUTION: ADMIN. FILE (WHITE) EMPLOYEE (YELLOW) STATION FILE (PINK)

cies; operational procedures; performance standards; and corporate goals.

- ✓ **Effective Communication Systems.** Employees perform best when they know what to expect and what is expected of them. To maximize employee performance, you need to develop communication lines to keep everyone informed and coordinated. Consider using one or more of the following communication systems: meetings (management, department, team, general staff); personnel policies and handbooks; employee newsletters; company bulletin boards; occasional memorandums or letters to employees; and suggestion or question boxes.

Give Employees an Opportunity to Meet the Performance Standards. Employees need to know whether they are performing up to company expectations or not. Consequently, it's important to establish mechanisms which give employees periodically feedback on how they are doing. Think about:

- ✓ **Employee Compensation.** Employers tend to think of compensation in terms of "compliance" (with wage and hour requirements) and "competition" (with respect to recruitment and retention of qualified workers, and staving off unionization). But compensation can also be used as a tool to reward performance and other conduct that is consistent with the company's goals. Remember, sometimes you get more with a "carrot" than a "stick."
- ✓ **Written Performance Evaluations.** This can be a powerful communication tool. It gives the company an opportunity to identify the areas in which an employee is doing well, as well as the areas that need improvement. However, like all tools, it must be consistently and uniformly implemented if it is to be effective. Supervisors and managers must *complete* the forms and provide frank feedback.

- ✓ **Internal Grievance Procedures.** Grievance procedures give employees an opportunity to voice their concerns about workplace issues or situations they do not agree with. The procedures also gives management a chance to see an issue from the employee's point of view (which can be useful for performance issues), and resolve it before it erupts into union organizing, an administrative agency complaint, or a lawsuit.

Taking Corrective Action. Before taking any corrective action, you need to determine whether the problem is really the employee's fault. In other words, have you defined the procedures, standards and rules that apply to the employee? If not, the problem may not be the employee's fault and it may be necessary for you to redefine the company's procedures, standards and rules.

If, however, you determine the problem is specific to the employee, then counseling may be appropriate. Remember "counseling" is educating an employee on how to do their job correctly or how to meet performance standards. Employees who cannot do something should be counseled.

Once you are certain the employee has been informed of the applicable requirements and performance standards for his/her job, and he/she has been given a reasonable opportunity to achieve, termination may be appropriate. If you have the "fundamentals" in place, and you have made efforts to communicate with the employee about his/her performance deficiencies, you should have documentation to support your decision to terminate the employee for his/her failure or refusal to meet performance standards. Although there is no guarantee that a properly documented termination will discourage an employee from suing, the documentation will help the company to prove that it has a "legitimate, nondiscriminatory reason" for terminating the employee for poor performance.

Exhibit
(6)

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ATTENDANCE

AUDIT

Date: 5/14/2001

To: Tony Ashtiani

From: William A. Herrera

RE: QUARTER ATTENDANCE AUDIT

An attendance audit for the quarter of 2000 ending May 13, 2001 shows the following:

- 1) Accountable incidents 1
- 2) Sick days 1
- 3) Tardy 20

This is to inform you of your standing of level 3 as of this date.



William A. Herrera

CMI Maintenance Supervisor



000025

EXHIBIT
(7)

June 10, 2002

Mr. Tony Ashtiani

Dear Tony:

Per your request the following is a statement as to what we discovered when we met at the CMI HR Dept on Feb. 08, 2002.

Upon arriving at HR we asked to review your personnel file. Upon review, as observed by Robbi Crisostomo, we found two "EMPLOYEE ABSENTEE RECORD Calender Year 2001" forms in your P-file. One form had been punched for three ring binder purposes, and the other had no punch marks in it. The punched document had three weeks of attendance records missing from it while the unpunched document was completely filled in. We both commented to each other how odd that they would have two copies of the same thing for one employee.

Upon closer review we found that the two documents were different in detail. The unpunched document had much more detail on it, including worked holiday on 01/01/01, as well as indications of days where Tony apparently reported to work late. The punched document had no such notation on it. Also, the unpunched document shows the period from 6/17/01 thru 6/24/01 as "No Call/No Show" whereas the punched document merely shows those days as absence without leave, presumably indicating no sick leave to be paid.

While we cannot know for sure why the two documents are different, it would appear to me that the unpunched document was created after your termination to fill in the missing information the Company wanted to show as your attendance record. I believe the punched document came from Maint Dept records, where all employees attendance records are normally kept. The unpunched document appears to be an after termination review of your attendance, including more detail on your lates, and therefore a higher attendance incident record.

Although I have not reviewed all employees records, I do find it unusual that your file has two record sheets, and especially since the two have different information on them.

At that same meeting, we also did a rather thorough exam of your "Absence from Duty Report" records, or P-138. We found the following on these P-138 records. One P-138 was prepared on 6/11/01 for sick leave on 6/09-10. This appears normal. Another P-138 was also prepared for sick leave from 6/3-8 and also for PB (personal business) on 6/11-12. This strikes me as odd as the form was signed on 6/11, but it was for PB actually through 6/12. I would think that normally this would be prepared after the fact, rather than before the event had ended, as you never know if things will change until they have actually been completed. Filling out a form for what may happen tomorrow seems premature, until you can actually verify that PB was indeed used on 6/12/01. Then, we

EXHIBIT
(8)

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discovered two P-138s prepared on 10/30/01. One indicates that Tony was out from 6/16-19 due to "Son Ill", but does not indicate whether this is PB, No Call/No Show, or Absence Without Leave. The second P-138 prepared on 10/30/01 is for the absence on 6/23-24. This indicates reason for absence as No Show.

First, this is unusual since the Company is required to fill out these forms within 10 working days of the incident, or within 10 days of when the employee returns. This clearly was not done. Or, another possibility is that P-138s were filled out in the appropriate time frame, but that new ones were done months later. Could it be that the original ones showed information that was not helpful to the Company's termination? We may never know, but I remain suspicious of the P-138s filled out so late after the incidents took place.

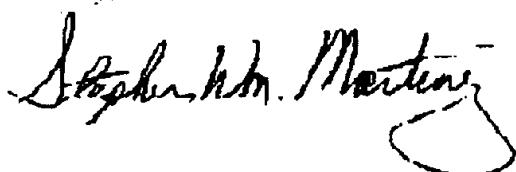
Second, the indications on these P-138s is inconsistent with other Company documents. These P-138s show an excused/unpaid leave from 6/16-19, and a No Show from 6/23-24. The punched EMPLOYEE ABSENTEE RECORD for CY2001 shows PB for 6/16 and W (or Absence without leave) from 6/17-24. The unpunched EMPLOYEE ABSENTEE RECORD for CY2001 shows PB for 6/16 and W (or Absence without leave) from 6/17-24, and further indicates the 6/17-24 were No Call/No Show. However, the Company letter of termination indicates No Call/No Show only on 6/23-24. Lastly, the duty roster shows Tony on PB for the entire 6/11 thru 6/24, except for 6/17, which Bill Herrera changed to No Call/No Show.

This difference between the various documents is highly unusual, and causes one to wonder if the 10/30/01 P-138 was to try to make records agree with the termination letter, rather than reflect the actual reason for absence.

It should be noted that there was only one "EMPLOYEE ABSENTEE RECORD" for CY2000.

I hope this letter clarifies what we discovered at HR on 2/8/01. Please let me know if you have any further questions.

Sincerely,



Stephen Wm. Martinez
Business Representative

Exhibit
(8)

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06 OCT 02

MR. TIMOTHY A. RIERA
EEOC DIRECTOR
300 ALA MONA BLVD, ROOM 7-127
HAWAII LOCAL OFFICE
HONOLULU HAWAII 96850

DEAR MR. RIERA

I'M WRITING THIS STATEMENT IN REGARDS TO TONY ASHTIANI'S ALLEGED ATTENDANCE AT CONTINENTAL MICRONESIA DURING THE YEARS 2000-2001.

I PERSONALLY PROFFERED TONY'S TRADE DAYS OFF. THERE WERE NO INTERFERENCE IN THE OPERATIONAL NEEDS.

THIS WAS A UNION OPTION, AND EVERY ONE TRADES , IF SOME ONE TRADED DAYS OFF 365 DAYS IN A YEAR THEY STILL BE ELIGIBLE FOR THE PERFECT ATTANDANCE AWARD TRADE DAYS ARE CONSIDERED NON-ACCOUNTABLE ATTANDANCES.

WHILE EVERY ONE WAS TRADING OFF WITH EACH OTHER INCLUDING TONY A. MANAGEMENT HAD NO COMPLAINTS.

THANK YOU



FABIAN THERRELL

Tele # 671-677-5387

483

Exhibit

(9)

PERFECT ATTENDANCE REWARDS PROGRAM

Non Accountable Absences

1. Any absence that is documented by medical certification under the Family/Medical Leave Act
2. Vacations
3. Holidays
4. Trade Days Off
5. Personal Emergency (critical illness or death in the immediate family)
6. Jury Duty and/or Witness service on behalf of Continental Micronesia
7. Compensatory Time Off
8. Declared Adverse Weather Day
9. Military/Reserve Leave
10. A.U.T.O.'s – Authorized Unpaid Time Off (WOP)

Accountable Absences

1. Lates
2. No Shows
3. Sick Leave
4. Medical Leave
5. Maternity Leave
6. Occupational Injury
7. Educational Leave
8. Company Offered Leave of Absence
9. Furloughs
10. Personal Leave of Absence

Eligibility

All full time and part time employees of CMI (except management over grade 45).

Exhibit 487
(10)

SWINGSHIFT	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
1430-2300	W	T	F	S	S	M	T	W	F	S	S	M	T	W	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F			
ROGER RUIZ	737					6	D																									
RAY CEPEDA					D	D	C	C	C	C	C	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D			
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TORY BORJA	D																															
TOM PEREZ	D																															
GUS QUICHICHO	D	D																														
HERMAN ADA	D	D																														
MARK BERNSTEN	D	D																														
TONY ASHTIANI	TO	D	D																													
TONY DIONES	D	D																														
DAVE MENDOLA	D	D																														
GEORGE SINGEO	J	V	V	D	D	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V			
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EARLY SWINGS																																
1300-2130																																
ELNNER MIRANDA	D	D																														
JOHN CARBULLIDO	D	D																														
STEVE SOLL	D																															
ROD RUIZ	18	D																														
RYAN GUIMATAOTAO	DAT	D	DAT	9/6	7/6																											
MIKE PABLO	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D			

TS= TEMP SUPVR
R= RESCUE
TW= TRADE WORK
TO= TRADE OFF
V= VACATION
DAT= DAY AT A TIME

EL= EMERGENCY LV
PL= PATERNITY LV
PB/PC= PERSONAL BUSINESS
D= DAY OFF
T= TRAINING

F= FLT MX SUPVR
OF= OFF
OI= OCCUPATIONAL INJURY
S= SICK LV
ST= SHIFT TRADE
LM= LEADMAN
C= COORDINATOR

EXHIBIT
(12)

DECLARATION

DECLARATION OF MARK E. WILLIAMS

I, Mark E. Williams, declare as follows:

JULY

(N) On June 2, 2001 at approximately 10:30 a.m., Guam time, I contacted Ms. Teresa Sage of the Continental Airlines Human Resources Office by phone and advised her of this office's representation of Mr. Tony Ashtiani, and requested information regarding the subject matter of the pending hearing or conference between the Management of Continental Airlines and Mr. Ashtiani involving Mr. Ashtiani's disciplinary action, and his related appeal/grievance of such action. I further requested information necessary for the preparation of Mr. Ashtiani and this office for such conference or hearing. However, Ms. Sage refused to provide any such requested information or to acknowledge this office's representation of Mr. Ashtiani. Instead, Ms. Sage directed me to contact Continental's legal office in Houston, which we were unable to do by phone as the office in Houston was apparently closed at that hour.

I declare that I have firsthand knowledge of the foregoing facts, that I have read the foregoing statement and that the information contained herein is true and correct to the best of my knowledge and belief, and that if called as a witness, I could testify competently thereto. I further hereby declare that this declaration is executed under penalty of perjury at Hagatna, Guam on

3/20/02

Mark E. Williams
Printed Name

Mark E. Williams
(Date)
Signature

EXHIBIT
(13)

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July 01, 2001

TONY ASHTIANI

**P.O. BOX 12723
TAMUNING, GUAM 96931
CELL: 671- 688-4844
CELL: 671- 687-8182
TEL : 671- 653-8008
FAX : 671- 653-5575
(e-mail) ashtiani@ite.net**

**TO : Ms .TERESA SAGE
HUMAN RESOURCES DEPT.
LABOR RELATIONS**

RE: MEETING

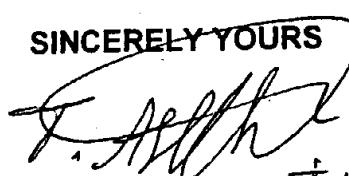
**PLEASE BE ADVISE AS PER THE AGREEMENT BETWEEN CMI AND IBT ,
ARTICLE 24 ITEM F. LETTER VIA CERTIFIED MAIL WHICH WOULD INCLUDE THE
FOLLOWING INFORMATION.**

- 1) THE CONTENTS OF THE MEETING?**
- 2) THE NUMBERS OF PERSONS WHICH WILL ATTEND (CMI)?**
- 3) WHO WILL BE ATTENDING THIS MEETING (PROVIDE LIST OF NAMES)?**
- 4) WHICH ARTICLES WILL BE DISCUSSED?**
- 5) WHICH STEPS OF ARTICLE 24 WILL BE DISCUSSED?**

**SINCE THIS MEETING HAS DIRECT EFFECT ON ME I AM ENTITLED TO
SUCH BASIC ANSWERS ALSO PROPER AND ADEQUATE TIME TO PREPARE.**

YOUR COOPERATION IN THIS MATTER IS KINDLY APPRECIATED .

SINCERELY YOURS


JUL/02/01
11:05 AM

RECEIVED
7/2/01
11:12 AM

**EXHIBIT 000928
(14)**

not include any individual employed in the domestic service of a family or person at his home or any individual employed by his parent or spouse, or any person employed in an executive or supervisory capacity, or any individual employed by any employer employing less than two individuals, or any individual subject to the jurisdiction of the National Labor Relations Act, as amended from time to time; provided, that the term *employee* includes any individual subject to the jurisdiction of the National Labor Relations Act, as amended from time to time, but over whom the National Labor Relations Board has declined to exercise jurisdiction or has indicated by its decisions and policies that it will not assume jurisdiction.

④ (d) *Representative* includes any person chosen by an employee to represent him.

(e) *Collective bargaining* is the negotiating of an employer and a majority of his employees in a collective bargaining unit (or their representatives) concerning representation of terms and conditions of employment of such employees in a mutually genuine effort to reach an agreement with reference to the subject under negotiation.

(f) *Collective bargaining unit* means all of the employees of one employer (employed within the territory), except that where a majority of such employees engaged in a single craft, division, department or plant have voted by secret ballot to constitute such group a separate bargaining unit, they shall be so considered. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employees

CH. 5 - GUAM EMPLOYMENT RELATIONS ACT
ART. 1 - GUAM EMPLOYMENT RELATIONS ACT - 1994 CODIFICATION - P. 3

EXHIBIT
(15)

Sage, Teresa

From: Sage, Teresa
Sent: Monday, July 02, 2001 4:11 PM
To: 'ashtiani@ite.net'
Subject: Meeting

Importance: High

Tony,

I have received your letter. As a matter of fact, Bill Herrera has been trying to reach you to confirm the meeting that was scheduled for 1600 today. I understand he e-mailed you last week when he set it up. With regard to the information you refer to in your letter, I'm afraid you have misunderstood the contract. We welcome the chance to clarify during the meeting with you.

You need to contact Bill or one of the Tech Ops supervisors or Zar as soon as possible.

Regards,

Teresa Sage

tsage@csair.com
Employee Relations
(671) 642-8852 - *Office*
(671) 649-5006 - *Fax (private)*
(671) 720-8202 - *Pager*
Co mail: GUMHR

000929

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Exhibit
(16)



INTER-DEPARTMENTAL MEMORANDUM

June 28, 2001

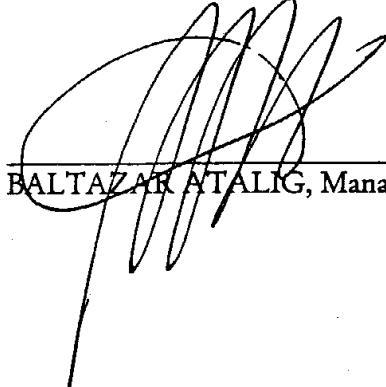
TO: Beatriz A. Camacho,
Payroll Department

FROM: Adrienne B. Cruz

SUBJECT: Final Paycheck - Tony Ashtiani

Enclosed is the Hours Summary, and Punch Detail Report for the aforementioned subject. Should you have any inquiries or require additional information, please do not hesitate to contact me.

Please be advised that this memorandum is countersigned and approved by our Manager.


BALTAZAR ATALIG, Manager - Aircraft Maintenance

From the desk of:
Adrienne B. Cruz
Administrative Specialist
Phone: [671] 642-8904
Fax: [671] 649-5248
E-mail: acruz@csair.com
Boardmail: GUMMX

000225

EXHIBIT
(17)

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D.N.Y.1998,
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1.1984, 609
2d 1362.

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A.A. (N.C.)

Exemption for overseas operations of
foreign companies did not preclude
counting employees of French company
for purposes of determining whether the
minimum-employee threshold was met
for purposes of Title VII claim against
allegedly related American employer, and
therefore leave to amend to allege that
American employer and French company

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CIVIL RIGHTS

2000, 213 F.3d 795. Civil Rights ↗ 143
Constitutional Law ↗ 84.5(7.1)

Free Exercise Clause barred former
church choir director's Title VII race dis-
crimination action against church, since
position was within "ministerial ex-
ception," prohibiting undue interference
with personnel decisions of churches and
religious leaders; prior to being hired
choir director had been asked her denom-
ination, job description emphasized my-
sic ministry role over musical perfor-
mance, and choir director was authorized
to perform ceremonies of church and
performed tasks of traditional religious
significance. Miller v. Bay View United
Methodist Church, Inc., E.D.Wis.2001
141 F.Supp.2d 1174. Civil Rights ↗
143; Constitutional Law ↗ 84.5(12)

Lesbian church youth minister's activi-
ties while employed at church were "min-
isterial" in nature, so that ministerial ex-
ception applied to preclude adjudication
of sex discrimination suit, civil rights
conspiracy claim, and civil action for neg-
lect to prevent civil rights conspiracy
between youth minister and church; al-
though youth minister planned and orga-
nized many activities which were secular
in nature, those activities were aimed at
achieving a spiritual purpose, and youth
minister served traditionally religious
function necessary to fulfill the church's
spiritual and pastoral mission. Bryce v.
Episcopal Church in Diocese of Colorado
D.Colo.2000, 121 F.Supp.2d 1327, af-
firmed 289 F.3d 648. Civil Rights ↗
143; Civil Rights ↗ 199.1; Conspiracy ↗
7.5(1); Conspiracy ↗ 17

18. Foreign corporation exemption

Foreign state which falls within exception
to Foreign Sovereign Immunities Act
(FSIA) is liable under Title VII in same
manner and to same extent as private
employer would be in like circumstances.
Mukaddam v. Permanent Mission of Saudi
Arabia to United Nations, S.D.N.Y.
2000, 111 F.Supp.2d 457, reargument de-
 nied 136 F.Supp.2d 257. Civil Rights ↗
143

Exemption for overseas operations of
foreign companies did not preclude
counting employees of French company
for purposes of determining whether the
minimum-employee threshold was met
for purposes of Title VII claim against
allegedly related American employer, and
therefore leave to amend to allege that
American employer and French company

single integrated business enter-
prise could not be denied on basis of
Wildridge v. IER, Inc., N.D.Tex.
1999, 199 F.Supp.2d 429. Civil Rights ↗
143; Federal Civil Procedure ↗ 851
Foreign subsidiary was not
"foreign" within the meaning of Title

VII of the Civil Rights Act of 1964, in
absence of any evidence that Congress
intended Title VII to apply to employment
practices of foreign corporations outside
the United States. Lavrov v. NCR Corp.,
S.D.Ohio 1984, 600 F.Supp. 923. Civil
Rights ↗ 143

000e-2. Unlawful employment practices

Employer practices

shall be an unlawful employment practice for an employer—
(1) to fail or refuse to hire or to discharge any individual, or
otherwise to discriminate against any individual with respect to
his compensation, terms, conditions, or privileges of employ-
ment, because of such individual's race, color, religion, sex, or
national origin; or

(2) to limit, segregate, or classify his employees or applicants
for employment in any way which would deprive or tend to
deprive any individual of employment opportunities or otherwise
adversely affect his status as an employee, because of such
individual's race, color, religion, sex, or national origin.

Employment agency practices

shall be an unlawful employment practice for an employment
agency to fail or refuse to refer for employment, or otherwise to
discriminate against, any individual because of his race, color,
religion, sex, or national origin, or to classify or refer for employment
individual on the basis of his race, color, religion, sex, or
national origin.

Labor organization practices

shall be an unlawful employment practice for a labor organiza-
tion

(1) to exclude or to expel from its membership, or otherwise
to discriminate against, any individual because of his race, color,
religion, sex, or national origin;

(2) to limit, segregate, or classify its membership or applicants
for membership, or to classify or fail or refuse to refer for
employment any individual, in any way which would deprive or
intend to deprive any individual of employment opportunities, or
would limit such employment opportunities or otherwise ad-
versely affect his status as an employee or as an applicant for
employment, because of such individual's race, color, religion,
sex, or national origin; or

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EXHIBIT
(18)

(B) A practice described in subparagraph (A) may not be challenged in a claim under the Constitution or Federal civil rights laws—

(i) by a person who, prior to the entry of the judgment or order described in subparagraph (A), had—

(I) actual notice of the proposed judgment or order sufficient to apprise such person that such judgment or order might adversely affect the interests and legal rights of such person and that an opportunity was available to present objections to such judgment or order by a future date certain; and

(II) a reasonable opportunity to present objections to such judgment or order; or

(ii) by a person whose interests were adequately represented by another person who had previously challenged the judgment or order on the same legal grounds and with a similar factual situation, unless there has been an intervening change in law or fact.

(2) Nothing in this subsection shall be construed to—

(A) alter the standards for intervention under rule 24 of the Federal Rules of Civil Procedure or apply to the rights of parties who have successfully intervened pursuant to such rule in the proceeding in which the parties intervened;

(B) apply to the rights of parties to the action in which a litigated or consent judgment or order was entered, or of members of a class represented or sought to be represented in such action, or of members of a group on whose behalf relief was sought in such action by the Federal Government;

(C) prevent challenges to a litigated or consent judgment or order on the ground that such judgment or order was obtained through collusion or fraud, or is transparently invalid or was entered by a court lacking subject matter jurisdiction; or

(D) authorize or permit the denial to any person of the due process of law required by the Constitution.

(3) Any action not precluded under this subsection that challenges an employment consent judgment or order described in paragraph (1) shall be brought in the court, and if possible before the judge, that entered such judgment or order. Nothing in this subsection shall preclude a transfer of such action pursuant to section 1404 of Title 28.

(Pub.L. 88-352, Title VII, § 703, July 2, 1964, 78 Stat. 255; Pub.L. 92-261, § 8(a), (b), Mar. 24, 1972, 86 Stat. 109; Pub.L. 102-166, Title I, §§ 105(a), 106, 107(a), 108, Nov. 21, 1991, 105 Stat. 1074-1076.)

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GUAM STATION

Continental Micronesia Inc.

Subsidiary of
Continental Airlines

Race / national origin Vs. Termination

Statistical study

December 1999 TO July 2001

(19 months period)

List of Minorities among the majorities

Name	National-Origin	Status
Don Ching	Chinese	
Bruce Lee	Chinese	(terminated)
Lin Horng Yi	Chinese	
Ali Mahdi	African American	(terminated)
Fabian Therell	African American	
Sherman Thompson	African American	
Harry Broudus	African American	
Tony Ashtiani	Iranian	(terminated)
Patrick Ahmed	Sudanese	
Joe Nguyen	Vietnamese	

EXHIBIT
(19)

GUAM STATION

Continental Micronesia Inc.

Subsidiary of

Continental Airlines

Race Vs. Termination

Statistical study

December 1999 TO July 2001

(19 months period)

Name	National-Origin	Division
Ali Mahdi	AFRICAN AMRICAN	Maintenance Dept.
Bruce Lee	CHINESE	Maintenance Dept.
Tony H. Ashtiani	IRANIAN	Maintenance Dept.

There are 90 employees in Maintenance Dept , See Mr. McKinzie's Declaration.

They were 92 employees in Maintenance division at the time of discharge.

10 minorities among the majority made up 9.2 % of the work force.

Among the 9.2 % of all the minorities 3 Out of 10 were terminated.

Minorities made 9.2% of the work force and they received 100% of the termination.

EXHIBIT

(20)

Continental



Continental Airlines, Inc.
Flight Operations
Terminal Box 11
Honolulu International Airport
Honolulu HI 96819

TO: Bud Perry

DATE: April 22, 1994

SUBJ: Tony Ashtiani

=====

Dear Bud:

I am writing to inform you of the outstanding support I received recently from one of your mechanics, Mr. Ashtiani.

I was the captain on Flt. 961 the 23 of March GUM/NRT, ship #042. Shortly before departure Mr. Ashtiani advised me of a possible problem with the #3 engine which was on a H.O.C. watch. Throughout the delay Mr. Ashtiani kept me informed of the situation, took me down to the #3 engine and showed me the cracked gearbox (the cause of the excessive leak).

Could you please convey to Mr. Ashtiani my appreciation for professionalism throughout the delay.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Brownrigg".

Craig Brownrigg
Acting Chief Pilot (Continental)
Guam

EXHIBIT
(21)

AUGUST 28, 1994

CONTINENTAL MICRONESIA
MAINTENANCE
INTERNATIONAL AIRPORT
TAMUNING, GUAM

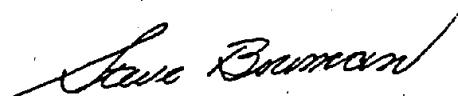
DEAR SIR:

I WOULD LIKE TO RECOGNIZE YOUR MECHANIC TONY ASHTRAINI FOR HIS
CONTINUING DEDICATION TO HIS DUTIES AS A LINE MECHANIC FOR
CONTINENTAL MICRONESIA.

ON AUGUST 5, 1994 I WAS THE CAPTAIN ON A DC10-10 OPERATING FLIGHT 973
FROM GUAM TO NAGOYA. JUST AS WE WERE BEGINNING TO PUSH OFF THE
GATE IN GUAM TONY SAW A PROBLEM IN THE AREA OF THE RIGHT MAIN GEAR.
HE INSISTED ON STOPPING THE PUSH BACK AND CHECKING OUT WHAT HE SAW.
THE AIRCRAFT WAS LEAKING FUEL FROM AN INSPECTION PLATE ON THE WING
SURFACE ALLOWING IT TO FLOW DOWN ONTO THE WHEEL AND BRAKE
ASSEMBLY. AS A RESULT OF HIS OBSERVATION WE CORRECTED THE PROBLEM
AND ADDED GREATLY TO SAFETY OF OUR FLIGHT OPERATION.

I HAVE WORKED WITH TONY ON OTHER OCCASIONS AND I HAVE OBSERVED HIM
TO BE A REAL TEAM LEADER WHO IS AN EXPERT ON THE AIRCRAFT AND A REAL
ASSET TO THE MAINTENANCE DEPARTMENT. I WOULD LIKE TO TAKE THIS
OPPORTUNITY TO PERSONALLY THANK HIM, AND TO ALERT HIS SUPERVISOR
OF HIS OUTSTANDING DEDICATION AND KNOWLEDGE. I LOOK FORWARD TO
WORKING WITH TONY IN THE FUTURE.

SINCERELY,



STEVE BOWMAN
CAPTAIN DC10

CC: OPERATIONS

Exhibit
(22)

File

Continental Micronesia



Fly with the warmth of Paradise

February 20, 1997

RECEIVED

JUN 03 1997

BILL MEEHAN

To: Hamid Ashtiani / Employee Number A1966

From: Jim Bennett / Director, Technical Services - Japan *[Signature]*

Subject: Commendation

Tony;

We here in Japan Technical Services. Would like to thank you for your assistance in moving diverted Flight 840(Aircraft N781) from Narita back to Guam. And after working all afternoon on N781, when asked to remain in Narita and assist with our out of service DC10-30. You readily volunteered. Thus helping to return this A/C to service before curfew. All this shows the dedication of our staff in Technical Services to "Keeping them flying". Your commitment to the tasks at hand is commendable.

Again thanks for the assistance from all departments in Japan. Especially our passengers.

JGB/ms

cc: B. Meehan
Personal File

EXHIBIT
(23)

000049

Regional Office: 5F, Sanno Grand Bldg., 2-14-2, Nagata-cho, Chiyoda-ku, Tokyo 100, Japan
Branch Offices in Japan: Sapporo Sendai Nagoya Osaka Fukuoka Okinawa

15 Sept 02

CCO Director T. P. Rice

My Name Is Fabio Therrell. I'm writing this Statement of my own Free will. I Have Been Promised Nothing, I Have Nothing To Gain or Loose.

I've Read The Statement Given My Sherman Thompson. It's Full of Lies! Everyone In Guam Line Maintenance Knows ~~Sherry~~ Tony Is From Iran Th., Includes Sherman. He Would Call Tony The Iranian Staffier of Peccino Brother. Not A Bad Thing But It Was Well Known. Also, I've Work With Tony As Long As Any One On Guam, And Tony Is A Very Hard Worker. He Fixes Airplanes!" More Than I Have. I Believe Sherman's Statement Was Forced, Or There Was A Hidden Motive Behind It.

671-677-5387

Fabio 11φ 6 netpc.com

F. Therrell

EXHIBIT

(24)

FABIAN THERRELL

20MAY02

TO: Raymond J. Griffin Jr:

I'M WRITING THIS OF MY OWN FREE WILL TO SHEAD SOME LIGHT ON THE FALSE STATEMENTS MADE BY THE COMPANY IN THEIR DEALINGS WITH TONY ASHTIANI.

MY NAME IF FABIAN THERRELL I AM AN AIRCRAFT MECHANIC WITH CONTINENTAL. I'VE BEEN WITH THE COMPANY 14 YEARS, 8 YEARS GUAM BASED.

I'M THE HIGHEST SENORITY MECHANIC ON DAYSHIFT LINE MAINTANCE.

I FILL IN FOR THE LEAD MECHANIC DURING HIS WEEKEND, VACATION AND OTHER ABSENCES. THE SICK CALL PROCEDURE, AS I SEE IT, IS VERY SIMPLE. CALL WORK, LET SOMEONE KNOW YOU WILL NOT BE COMING IN. GET THEIR NAME JUST TO COVER YOUR BASES, AND DON'T WORRY ABOUT IT AFTER THAT. THE SHIFT LOG HAS A SECTION FOR "SICK CALLS" TO BE LOGGED IN.

THE LOG ALSO STATES THE TIME OF THE CALL AND WHO TOOK THE CALL.

I HAVE NEVER, TILL THIS VERY DAY, BEEN TOLD A SUPERVISOR MUST TAKE THE CALL. I HAVE RECEIVED SICK CALLS IN THE PAST, LOGGED THEM IN MYSELF, AND NEVER HAD MANAGEMENT QUESTION ME ABOUT IT.

A SUPERVISOR IS ALWAYS ON DUTY, BUT THEY LIKE ALL HUMANS HAVE ISSUES SOMETIMES. AT ANY GIVEN TIME A SUPERVISOR COULD BE OUT AT AN AIRCRAFT, LATE TO WORK TO ATTEND A FAMILY FUNCTION, HAVING A SMOKE, OR IN THE REST ROOM. IF SOMEONE CALLS IN SICK, ITS NOT THE POLICY THAT HE/SHE MUST CONTINUE TO CALL UNTIL A SUPERVISOR TAKES THE MESSAGE.

I'M TOLD THAT MR. ASHTIANI'S TRADE DAYS DURING THE YEAR 2000 WERE ALSO CALLED INTO QUESTION. I PERSONALLY PROFERED 95% OF THE TRADE DAYS OFF THAT TONY TOOK. THESE TRADES WERE NO SECRET! THE HOLIDAY SEASON WAS NEAR, PEOPLE WANTED TO WORK EXTRA DAYS. IT WAS A WIN, WIN SITUATION FOR EVERYONE CONCERNED.

SUPERVISORS KNEW THAT TONY'S TRADES HAD EXCEEDED THE DAYS ALLOTTED BY THE COLLECTIVE BARGINING AGGREMENT WITH THE TEAMSTERS, BUT THEY DIDN'T CARE. SOMETIMES IT WORKED TO THEIR ADVANTAGE.

I REMEMBER SOME OCCASIONS WHEN THE SWINGSHIFT LEAD MECHANIC, WOULD VOLUNTEER TO WORK FOR TONY. TONY IS ONE OF THE BRIGHTEST MECHANICS I'VE WORKED WITH. BUT EVERY SUPERVISOR LIKES HAVING HIS PRIMARY LEAD MECHANIC WORK EXTRA DAYS, HAVING HIM WORK EXTRA DAYS AT STRAIGHT TIME IS A GIFT. EVERYONE WAS HAPPY, NO ONE EVER COMPLAINED. THE COMPANY WAS NEVER SHORT MAN HOURS BECAUSE OF TONY'S ABSENCE.

RECENTLY THERE WAS AN INCIDENT AT WORK THAT I THOUGHT WAS VERY INTERESTING. MR. BALDEREDEAN AHMED (ANOTHER MECHANIC OF MIDDLE EASTERN ANCESTRY) WAS STUCK IN CAIRO. IT WAS KNOWN BY EVERYONE THAT HE WAS GOING TO PICK UP HIS NEW WIFE IN SUDAN, STOP IN CAIRO TO VISIT THE

Exhibit
(25)
480

P.O. BOX 27763 • BARRIGADA, GUAM • 96921
PHONE: 671-647-5387 • FAX: 671-649-5380

May 30, 2002

EMBASSY FOR HER U.S. ENTRY PAPERS AND RETURN TO GUAM AS SOON AS POSSIBLE. TRADE DAYS AND VACATION DAYS WE SET UP IN ADVANCE. NO ONE SAW A PROBLEM, THIS HAPPENS ALL THE TIME. DURING MR. AHMED'S STAY IN CAIRO ANTI-AMERICAN FEELINGS IN EGYPT REACHED A BOILING POINT. THE EMBASSY WAS BESIEGED WITH PROTESTERS. ANYONE WITH CABLE T.V. COULD WATCH THIS ON CNN. ALL OF A SUDDEN MR. AHMED'S TRADE DAY PRIVILIDGES WERE REVOKED, AND HE WAS THREATENED THAT HE WOULD BE CONSIDERED A NO CALL NO SHOW. I HAVE NEVER IN MY 14 YEARS WITH CONTINENTAL AIRLINES SEEN ANYTHING LIKE THIS! AND IT'S MY VERY STRONG OPINION, THAT THIS COULD NEVER HAPPEN TO A GUAM BASED MECHANIC OF CHAMORRO ANCESTRY! THIS IS MY STATEMENT. ANY QUESTIONS? FEEL FREE TO CONTACT ME.

SINCERELY



FABIAN THERELL

Exhibit
(25)

481

Babauta, Benjamin C.

From: McKinzie, Dixon
Sent: Thursday, December 02, 1999 9:14 AM
To: Babauta, Benjamin C.; Tydingco, Bertha S.; Perez, Frank; Mendoza, Glenn R.; Lujan, James; Cruz, Tony; Herrera, William A.
Cc: Halaby, Dimitri; Atalig, Baltazar
Subject: FW: MAHDI ALI

FYI, my numbers are below.

Dixon

dmckinzie@csair.com
Office: (671) 642-8877
Pager: (671) 476-8562
Cell: (671) 687-6354
Fax: (671) 642-8343 (private)

-----Original Message-----

From: Halaby, Dimitri
Sent: Thursday, December 02, 1999 7:14 AM
To: Benjamin Babauta; Bertha Tydingco; Frank Perez; Glenn Mendoza; James Lujan; Tony Cruz; William Herrera
Cc: Atalig, Baltazar; McKinzie, Dixon; Perez, Clarissa; Johnston, Billy
Subject: FW: MAHDI ALI

All Supv.

Mr. Mahdi Ali was given the required FMLA documents yesterday 01 Dec. He has 15 days to complete and return to us. When you receive the documents, contact Dixon McKinzie immediately, call him on his cell or page him if you have to. The company has 2 days to reply back. Until then, keep accurate documentation of events and always have union rep present when discussing sensitive issues with Mr. Mahdi

Dimitri C. Halaby
Aircraft Maintenance Manager
Tel: 671-642-8653
Cell: 671-688-1545
"Just Another Day in Paradise"

-----Original Message-----

From: Lujan, James
Sent: Thursday, December 02, 1999 1:17 AM
To: Halaby, Dimitri
Subject: RE: MAHDI ALI

Page 1

EXHIBIT
(26)

473

YES, MR. ALI DID CALL IN SICK. I DID INFORM BERT THAT I FORGOT TO WRITE IT IN THE TURN OVER SHEET.

—Original Message—

From: Halaby, Dimitri
Sent: Monday, November 29, 1999 7:36 AM
To: Lujan, James
Subject: FW: MAHDI ALI
Importance: High

Jim,

Please let me know if Ali infact called you. I today.

Dimitri C. Halaby
Aircraft Maintenance Manager
Tel: 671-642-8653
Cell: 671-688-1545
"Just Another Day in Paradise"

—Original Message—

From: Tydingco, Bertha S.
Sent: Thursday, November 25, 1999 10:58 PM
To: Atalig, Baltazar; Halaby, Dimitri
Cc: Bias, Adrienne; Babauta, Benjamin C.; Mendoza, Glenn R.; Lujan, James; Herrera, William
Subject: MAHDI ALI
Importance: High

ZAR OR DIMITRI,

ALI HAD FAXED HIS DOCTOR'S EXCUSE THURSDAY EVENING. WHATEVER THE CASE MAYBE HE HAD INFORMED GLEN THAT HE CALLED IN SICK FOR THURSDAY AND LEFT A MESSAGE WITH JAMES LUJAN. WE NEED TO FIND OUT FROM JAMES IF THIS IS A TRUE STATEMENT, CAUSE JAMES DID NOT TURN OVER ANY THING TO ME WHEN I RELEIVED HIM THAT NIGHT. ALSO, WHY DID ALI REPORT BACK TO WORK IF HE KNEW HE WAS STILL SICK WITH A STIFF NECK AND THEN TO COVER HIS BUTT HE HAD THE DOCTOR WRITE HIM OUT AN EXCUSE TO COVER HIM ALL THE WAY TO FRIDAY THE 26TH OF NOV. I SERIOUSLY THINK SOMEONE NEEDS TO CK ON THIS DOCTOR EXCUSE ISSUE.

BERT

Continental Micronesia

CRM: P-138CM
I&E#: 00-0703-3-1415
EV: 02/95

Employee Number: 05963

Date Prepared: 10/30/01

ABSENCE FROM DUTY REPORT

- INDIVIDUAL
SICK
LEAVE
1. SICK LEAVE: Immediately upon return to work or at the end of each pay period whichever first occurs.
 2. OCCUPATIONAL INJURY LEAVE: Immediately when injury necessitates absence from duty.
 3. VACATION: Prior to the start of the vacation period; OR when a paycheck is desired before the start of the vacation period, this form must be received in Payroll FOURTEEN (14) CALENDAR days prior to the date the check is desired.
 4. OTHER: Immediately upon return to work or at the end of each pay period whichever first occurs.
Distribution: White copy - Payroll • Yellow copy - Division Head File • Pink copy - Supervisor File • Gold copy - Employee

(Attach Doctor's Certificate When Requesting)

I, , employed at and
PRINT NAME WORK LOCATION / COST CENTER

Employee Number , hereby certify that I was absent due to sickness for the period of the time indicated below and that I was unable during such period to perform my regularly assigned duties.

DATE OF ABSENCE TOTAL HOURS 000254

BRIEF DESCRIPTION, NATURE OF ABSENCE

Signature of Employee ACKNOWLEDGED
CIRCLE REGULAR DAYS OFF: S M T W T F S SUPERVISOR DATE

(Attach Doctor's Certificate When Requesting)

I, , employed at and
PRINT NAME WORK LOCATION / COST CENTER

Employee Number , hereby certify that I was absent due to sickness for the period of the time indicated below and that I was unable during such period to perform my regularly assigned duties.

DATE OF ABSENCE TOTAL HOURS

Signature of Employee ACKNOWLEDGED
CIRCLE REGULAR DAYS OFF: S M T W T F S SUPERVISOR DATE

I, , employed at and
PRINT NAME WORK LOCATION / COST CENTER

Employee Number , hereby certify that I will be on vacation in accordance with my approved vacation schedule for the period of time indicated below.

VACATION (HOURS)

DEFERRED HOLIDAYS (HOURS)

DATES OF VACATION (FROM) (TO) TOTAL HOURS

MY PAYCHECK TO BE ISSUED ON is herewith requested for
(DATE) (DATE)

Signature of Employee ACKNOWLEDGED
CIRCLE REGULAR DAYS OFF: S M T W T F S SUPERVISOR DATE

(Personal Business, Authorized Leave, Jury Service, etc.)

I, Tony Astiani, employed at and
PRINT NAME WORK LOCATION / COST CENTER

Employee Number 05963, hereby certify that I will be on vacation in accordance with my approved vacation schedule for the period of time indicated below.

DATE OF ABSENCE JUN 23-24, 2001 TOTAL HOURS 20 EXHIBIT (27)

REASON FOR ABSENCE NO Show

If because of death in the immediate family, what relation to the employee?

Signature of Employee For Employee ACKNOWLEDGED
CIRCLE REGULAR DAYS OFF: S M T W T F S SUPERVISOR DATE

Distribution: White copy - Payroll • Yellow copy - Division Head File • Pink copy - Supervisor File • Gold copy - Employee

Case 102-cv-00032 Document 143 Filed 12/19/2003 Page 44 of 76

among several racial harassment suits involving nooses in the workplace which have been filed by EEOC against Florida employers in the past two years."

Federico Costales, Director of EEOC's Miami office said, "Subjecting workers to harassment because of their race can be costly to businesses, not only in monetary terms, but also in terms of increased absenteeism and health care costs, and lower productivity and employee morale. It is imperative for employers to implement effective anti-discrimination policies and procedures to prevent discrimination and to address and remedy it when it occurs."

Charges of racial harassment filed with EEOC have more than doubled over the past decade from 2,849 charge filings in Fiscal Year 1991 to approximately 6,550 charge filings in FY 2000, about 8% of all charges filed with the agency. Racial harassment is a form of race discrimination which includes racial jokes, ethnic slurs, offensive or derogatory comments, or other verbal or physical conduct based on an individual's race or color. Such conduct may create an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance, in violation of Title VII of the Civil Rights Act of 1964.

In addition to enforcing Title VII, which prohibits employment discrimination based on race, color, religion, sex or national origin, EEOC enforces the Age Discrimination in Employment Act; the Equal Pay Act; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; prohibitions against discrimination affecting individuals with disabilities in the federal government; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's Web site at www.eeoc.gov.

EXHIBIT
(28)

FORM: 40.0061CM
DATE: 04-01-01
M&E: 00-0703-3-1309

TECHNICAL SERVICES DIVISION

SHIFT LOG

SUPERVISOR SIGNATURE:

DATE: 4/30/02 SHIFT: SWING

STATION:

PERSONNEL ABSENCES

ACFT TIME

TIME SHIFT NOTES

113000 - ROLL STRUT COTTER INSTL T-952 103
SIGHT S-7 DCF plus 5 small M60 02

CONFIDENTIAL COLUMBIA PTR T-900 N-236 (DOS) PAK-3

RETR. ✓ MAIL BAG ON BOARD AIRCRAFT FOR POSS. SIG
ATA CHAPTER - 32, 33, 34 + 38 MISSING.
INSPECTED A/C AS FOLLOWS -

forwards

<i>N-240 - 01c</i>	<i>N-244 - 01c</i>	<i>N-227 - 01c</i>
<i>N-236 - 01c</i>	<i>N-228 - 01c</i>	<i>N-235 - 01c</i>

N-201 - OLC N-249 - OLC N-235 - OLC
N-250 - OLC

$N=250 = 0.071$

N-38Y - open

200 COL won-rounds on N-260 as follows

① RD side Krueger Flap 3 + 4 SCALES TORN
② LH side Flap SCALES 1 + 2 TORN

② At sides flap seals 1 + 2 Torn Kneeguard

058	9	SV = Done	Obj = + Ø	PLA = Ø
MILES / TOTAL	00	ØL = Ø	Fugs = Ø	BOZ = Ø
		Npe = + Ø	LAW STRANDS = Done	

449	18	SV - Davis	Pre = 00000000	PLA = 0	EXHIBIT
conspire	oil = 00000000	supp = 0		RRR = 0	(29)
Tony D.	HF MAP = 00000000				

Law should be removed

052	8	Sta Done	0/0 = 3/0	Pla = 0
David/Garrett	OK	Oil = 0	Sup = 0	Box = 0
DELAYS:				

DELAYS:

558

FORM: 40.0061CM
DATE: 04-01-01
M&E: 00-0703-3-1309

TECHNICAL SERVICES DIVISION

SHIFT LOG

SUPERVISOR SIGNATURE: DATE: 4/14/02 SHIFT: GRAVES STATION: GRAM

P. Czarka

PERSONNEL ABSENCES

EMPLOYEE	TIME CALLED	TAKEN BY	REASON
J. Martinez	0513	V. Sactof	Sick - flu

ACFT	TIME	SHIFT	NOTES
236	20 SV - C/w		
	MR RON - open		
	NAV DB - C/w		
	Nonroutine = 2		
205	11) #3 & #4 LE BRKGER PLAP SPN W/SEALS BOX 2) #2 ENGL COWLING VORTXO DEVICE		
246	00 SV - C/w PLA - 1		
	PLA - Video Syst inop < Controller coming in on trip - 1 >		
	NAV - DB - C/w		
	Move to Gate - 13 -		
	* Swapped out w/ A/c 228		
227	21 SV - C/w PR - 0 PLA - 2 OI L - 1		
	OIL - Door Stoppers		
	PLA - Finger flip seals		
249	15 SV 3 - PLA - 0 OIL - 0 PR - 0		
	Tip chg -		
	NAV DB -		
	2-dents INBD LWR THIN EDGE FLAP - 0		
	TRNBKL -		
	11 NR		
1NG	MUST offer out POC for 902/903 CNS (01880 Jr. Martinez Called in Sick - Cannot make Flight)		

Exhibit
(30)

FORM: 40.0061CM
DATE: 04-01-01
M&E: 00-0703-3-1309

TECHNICAL SERVICES DIVISION

SHIFT LOG

DATE: 4-28-02 SHIFT: GRAVEYARD STATION: 604

PERSONNEL ABSENCES

EMPLOYEE	TIME CALLED	TAKEN BY	STAFF ABSENCES	
			REASON	
Marjor	7:35	Fabian	Sick	

ACFT TIME

SHIFT NOTES

EXHIBIT
(31)

DELAYS:

555



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Honolulu Local Office

300 Ala Moana Boulevard, Room 7-127
Honolulu, HI 96850-0051
(808) 541-3120
TTY (808) 541-3131
FAX (808) 541-3390

June 14, 2002

Via US Mail and Fax

Continental Airlines, Inc.
Legal Department
ATTN: Louid Obdyke, Esq.
P.O. Box 4607
Mail Code HQSLG
Houston, Texas 77210

RE: Tony Ashtiani v. Continental Micronesia, Inc.
EEOC Charge No.378-A2-000115

Dear Obdyke,

In order to continue with the investigation, our office will need the following information.

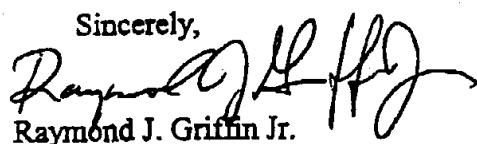
1) Provide a list of all Respondent's aircraft mechanics who were no call/no show for two consecutive days between June 1999 to June 2001. Identify by

- a. name
- b. ethnic identity
- c. date of hire
- d. date(s) of no call/no show
- e. date of discharge

2) Provide all relevant documentation for each employee's discharge. If the employee was not discharged, explain why.

Provide the requested informed by June 21, 2002. If you have any questions, contact me at 808-541-3721. Thank you.

Sincerely,



Raymond J. Griffin Jr.

Investigator

001032

**EXHIBIT
(32)**



Continental Airlines, Inc.
41st Floor HQSLG
1600 Smith Street
Houston TX 77002

Tel 713 324 5000
Fax 713 324 5161

June 18, 2002

VIA FACSIMILE: 808-541-3390

Mr. Raymond J. Griffin, Jr.
The Equal Employment Opportunity Commission
Honolulu Local Office
300 Ala Moana Blvd., Room 7-127
Honolulu, HI 96850

Re: Tony H. Ashtiani, Charging Party
Continental Micronesia, Inc., Respondent
Charge No. 378A200115

Dear Mr. Griffin:

I am in receipt of your request for additional information dated June 14, 2002. I am unable to respond by June 21 due to the fact that the company's director of human resources is out of the office until June 24, and then I will be "on the road" until July 1, 2002. We will gather appropriate comparative information and will forward it on July 3, 2002.

Again, I look forward to working with you in order to assist in a closing this charge with a finding of no cause for discrimination.

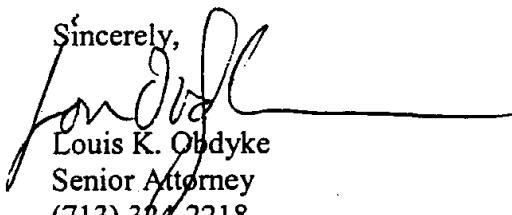
Sincerely,

Louis K. Obdyke
Senior Attorney
(713) 324-2218

Exhibit
(33)

IMANAGE 45020v1

001034



Continental Airlines, Inc.
41st Floor HQSLG
1600 Smith Street
Houston TX 77002

Tel 713 324 5000
Fax 713 324 5161

July 10, 2002

VIA FACSIMILE: 808-541-3390

Mr. Raymond J. Griffin, Jr.
The Equal Employment Opportunity Commission
Honolulu Local Office
300 Ala Moana Blvd., Room 7-127
Honolulu, HI 96850

Re: Tony H. Ashtiani, Charging Party
Continental Micronesia, Inc., Respondent
Charge No. 378A200115

Dear Mr. Griffin:

In response to your June 14 request for supplemental information, CMI advises that two maintenance employees other than Mr. Ashtiani were disciplined during the time period of January 1, 2000 to the date of Mr. Ashtiani's discharge, July 3, 2001, both occurred prior to Mr. Ashtiani's discharge. Other divisions within the company have additional disciplinary actions for No Call/No Show, but checks were made only within the maintenance (Tech Ops) department as that is where Mr. Ashtiani worked.

Mr. Bruce Lee, Chinese/American, was deemed a No Call/No Show in May 2000, but upon investigation and the employee's explanation (death in the family and qualified FMLA leave), Mr. Lee's disciplinary action was retracted. A second No Call/No Show involved a mechanic assigned to fly check flights for maintenance checks, Mr. Edwin Antonio, Asian-Filipino/American. Mr. Antonio failed to show-up for a scheduled check flight and failed to call in - he was issued a written warning based on no prior disciplinary action in his file, unlike Mr. Ashtiani's extensive disciplinary history. The Guam maintenance supervisors are checking for other possible No Call/No Show disciplinary actions, but since the company does not keep a "running log" for discipline, they must look at each individual personnel file - including all those discharged during the time period (files now in storage).

001037

EXHIBIT
(34)

IMANAGE 45258v1

Ashtiani EEOC Response

July 10, 2002

Page 2

CMI hopes this information supports its decision to terminate Mr. Ashtiani for reasons other than his national origin, or any other discriminatory reason, and that you will be able to find no cause for discrimination.

Sincerely,


Louis K. Obdyke
Senior Attorney
(713) 324-2218

IMANAGE 45258v1

001038

Exhibit
(34)

Continental Micronesia

Benefit Confirmation Sheet

4/6/2001

2AB

Name: ASHTIANI, HAMID (TONY)
 Address: P.O. Box 12723
Tamuning, GU 96931
 SSN: 532-84-8767

Station/Dept: GUMMX
 DOB: 1/14/1985
 DOB: 10/6/1963

The following are your current benefit elections and monthly deductions. Please notify the Benefits Department immediately of any discrepancies. You may only change your benefit elections during Open Enrollment or within 30 days of a qualified lifestyle event.

Benefit Option	Benefit Summary	Per Month	Dependents	Other Info/Comments
<i>Basic Life</i>	<u>54,000</u>	<u>Paid by CMM</u>		
<i>Employee Supplemental Life</i>	<u>162,000</u>	<u>Paid by CMM</u>		
<i>Spouse Supplemental Life</i>				
<i>Long-Term Disability</i>	<u>Enrolled</u>	<u>6.25</u>		
<i>Accidental Death and Dismemberment</i>	<u>500,000</u> <u>EF</u>	<u>Paid by CMM</u>		
<i>Vision</i>				
<i>Medical</i>	<u>Not Enrolled</u>			
<i>Dental</i>	<u>Not Enrolled</u>			
TOTAL				

(1) **Exhibit
(35)**

Continental Micronesia

Benefit Summary Sheet

7/18/2001

2AB

Name:	ASHTIANI, HAMID (TONY)			
Emp#/SSN:	A1966	532-84-8767	Address:	PO Box 12723
Station/Dept:	GUMMX			Tamuning, GU 96931
Comments:	Term 7/2/01; benefits end 7/31/01.			DOB: 10/6/1963
				Annual: \$53,560.00

The following are included in this packet (if applicable):

Benefit Summary Sheet
Mutual of Omaha Life Insurance Conversion Information (Basic and Suplife)
American International Group Conversion Information (AD and D)

Please take a moment to review the following benefits that may be available to you upon leaving the Company:

Retirement and 401(k) Savings Plan

Retirement and 401(k) Savings Plan If you are vested in the CMI Retirement Plan and/or participated in the 401(k) Savings Plan, T. Rowe Price will be sending you a retirement package detailing your distribution options. You may elect to leave your account with CMI, rollover your vested account balance(s) into another qualified retirement plan or transfer your funds to an IRA, or even elect to receive a lump sum distribution. For further information on your account(s), please contact TRP directly at 1-800-322-8749. For any address updates with your CMI Retirement and/or 401(k) account, you will need to contact Annie Duenas/Rhonda Alley at 671-642-8873/8849.

Medical/Dental Insurance

If you are currently covered by a CMI healthcare plan, you may continue your coverage for up to 18 months under COBRA. Please refer to the enclosed COBRA notice for further details and associated monthly premiums.

If you are interested in continuing your medical and/or dental coverage, please contact Annie Duenas/Rhonda Alley at 671-642-8873/8849. You will need to submit a completed COBRA election form along with your first premium payment. You have up to 60 days from the date you receive the COBRA notice to submit the COBRA election form; your COBRA medical and/or dental coverage dating back to your benefits end date will not be effective until the first payment has been received.

Life Insurance

You have the option to convert your CMI Group Life Insurance coverage to an individual policy. If you are interested in converting your Basic and/or Supplemental Life Insurance, please call Annie Duenas/Rhonda Alley at 671-642-8873/8849 and request a Group Conversion Application. You must submit the Group Conversion Application and the premium to United of Omaha Life Insurance Company at the address listed on the form within 31 days from your Insurance Benefits End Date.

Accidental Death and Dismemberment Insurance

If you've elected CMI's group Voluntary AD and D coverage, you have the option to convert your coverage to an individual policy. If you are interested in pursuing this option, please call Annie Duenas/Rhonda Alley at 671-642-8873/8849 and request an Application for Accident Insurance Under Conversion Privilege. If you decide to convert to an individual AD and D policy, you will need to calculate your annual premium and submit the Accident Insurance Under Conversion Privilege form and the premium to Reuben Warner Associates, Inc. at the address listed on the form within 31 days from the date you leave the Company.

Exhibit
(36)
500

219

Continental Micronesia



Continental Micronesia
P.O. Box 8778
Tumuning, Guam 96931

HAMID ASHTIANI
PO BOX 12723
TAMUNING GU 96931

* * *
135 PBB 694539
1634 00.600 AUG 08 01
2686 BARRIGADA 96921

PAST DATED
38 DAY'S OF
LAST DAY
FROM EMPLOYMENT.
Received on
AUG/14/01

11/8/01

EXHIBIT
(37)

AMERICAN HOME
ASSURANCE COMPANY
NEW YORK, NEW YORK A CAPITAL STOCK COMPANY FOUNDED 1853

APPLICATION FOR ACCIDENT INSURANCE UNDER CONVERSION PRIVILEGE

APPLICATION is hereby made to the American Home Assurance Company for Accident insurance.

Name of the Insured (Last)	(First)	(Middle Initial)	Date of Birth
Address	Amount of Principal Sum GTP 804 92 77		
Name of Group Policyholder	Policy Number		
Name and Address of Beneficiary	Relationship		
Date of Termination of Employment	Signature of Applicant		
Date _____ 19____			

RATES

ACCIDENTAL DEATH, DISMEMBERMENT, OR LOSS OF SIGHT BENEFITS

Amounts Available: \$50,000.00 to \$ 500,000.00

ANNUAL PREMIUM PER \$1,000.00 PER APPLICATION

ALL STATES (EXCEPT NEW YORK AND MASSACHUSETTS)

**Ages 16 - 62
\$1.25**

**Apes 63 - 69
\$3.00**

(Renewal Only)
Ages 70 -79
\$4.00

NEW YORK STATE RESIDENTS

**Ages 16 - 70
\$1.25**

(Renewal Only)
Ages 71 - 79
\$1.25

MASSACHUSETTS RESIDENTS

Ages 16 - 62
\$1.20

Ages 53 - 59
\$1.00

(Renewal Only)
Ages 70 - 79
\$4.00

INSTRUCTIONS FOR CONVERSION PRIVILEGE

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This form with your payment should be submitted to:

Rauben Warner Associates, Inc.
100 William Street
New York, NY 10038

Reuben Warner Associates, Inc. is American Home Assurance Company's Managing General Agent for individual AD&D business.
Your check should be payable to Reuben Warner Associates, Inc.

6

EXHIBIT
(28)

432

NAVIGATORS MANAGMNT CORP	123 WILLIAM ST	0038 212-406-2900
NE FACIL DAK INTRNTL LT	111 JOHN ST	0038 212-513-1446
NEW YORK AUTOMOBILE INS PLAN	125 MAIDEN LN	10038 212-943-5100
NEW YORK BD OF FIRE UND	85 JOHN ST	10038 212-227-3700
NEW YORK LIFE INSURANCE	8 CHATHAM SQ	10038 212-349-8050
NEW YORK MERCHANT BANKERS	116 JOHN ST	10038 212-528-0610
NIXON-GALLAGHER CO	111 JOHN ST	10038 212-619-3750
NORTHEASTERN FACILITIES	111 JOHN ST	10038 212-385-7575
NUR PRACTNR PRO LBLTY GRP INC	151 WILLIAM ST	10038 212-227-0028
NY PROP INS UNDERWRITNG ASSOC	100 WILLIAM ST	10038 212-208-9700
NYDEC BROKERAGE CORP	80 BEEKMAN ST	10038 212-732-4042
NYLUNG, GEORGE J	80 BEEKMAN ST	10038 212-964-3676
OCEAN AIR CARGO CLAIMS INC	111 JOHN ST	10038 212-732-8340
OLD REPUBLIC RE INC	90 WILLIAM ST	10038 212-968-7899
ORIENTAL FIRE & MRNE NY	111 JOHN ST	10038 212-964-4270
ORNTL FIRE & MRNE NY LIAISON	111 JOHN ST	10038 212-964-4270
P C RALLI & CO	116 JOHN ST	10038 212-962-3071
P W S USA INC	40 FULTON ST	10038 212-791-9350
PORTER & YEE ASSOC INC	117 BEEKMAN ST	10038 212-732-4575
POST & KURTZ INC	111 JOHN ST	10038 212-766-8800
PREFERRED CONCEPTS INC	111 JOHN ST	10038 212-608-9400
PROFESSIONAL COVERAGE MANAGER	130 WILLIAM ST	10038 212-619-4900
R D T BROKERAGE CORP	111 JOHN ST	10038 212-732-0201
REINSURANCE CORP OF NY	80 MAIDEN LN	10038 212-363-4440
RELIANCE GROUP HOLDINGS INC	116 JOHN ST	10038 212-608-6680
RELIANCE INSURANCE	130 WILLIAM ST	10038 212-608-6990
RICHARD WHILEY INC	110 WILLIAM ST	10038 212-732-1322
ROEBUCK ASSOC	45 JOHN ST	10038 212-267-3224
ROGER METZGER ASSOC INC	59 JOHN ST	10038 212-608-2500
ROSE COMPASS SVCES	116 JOHN ST	10038 212-406-4004
ROSE COMPASS SVCES INC	111 JOHN ST	10038 212-964-2600
S & AGENCY INC	130 WILLIAM ST	10038 212-227-4532
S & MUN INSURANCE	8 CHATHAM SQ	10038 212-693-2800
SACENT PAUL COMPANIES	160 WATER ST	10038 212-248-2300
SACENT MENDALIS CO	160 BROADWAY	10038 212-269-6586
SCHNESTEIN HOCHBERG	18 JOHN ST	10038 212-233-4452
SCHNEIDER DEE INSURANCE BRKRGE	45 JOHN ST	10038 212-608-1008
SCALPA BARON AGENCY	116 JOHN ST	10038 212-406-2424
SELLNER & SELLNER INC	125 MAIDEN LN	10038 212-809-6166
SENECA INSURANCE COMPANY INC	111 JOHN ST	10038 212-233-9000
SERHEY-DAVIDSON CORP	160 BROADWAY	10038 212-964-7802
SMYTH SANFORD & GERARD INC	135 WILLIAM ST	10038 212-374-1323
SOLBERG CAMPBELL ASSOC INC	111 FULTON ST	10038 212-349-2626
SOLBERG, ELLING J	111 FULTON ST	10038 212-349-2626
SOLLOMON GUTTER INSURANCE	45 JOHN ST	10038 212-285-4920
SOMERSET MARINE	123 WILLIAM ST	10038 212-349-1600
SOUTH CONTINENTAL OF N Y INC	68 FULTON ST	10038 212-237-2287
SOUTHERN MARINE & AVIATION INC	125 MAIDEN LN	10038 212-400-4270
STAR ASSOC INC	125 MAIDEN LN	10038 212-668-9300
STEPHEN WUND ASSOC	111 JOHN ST	10038 212-349-6431
STRULL FLEISCH SCHMUTTER INC	156 WILLIAM ST	10038 212-964-6190
SUCCESS INSURANCE AGENCY INC	217 PARK ROW	10038 212-693-1818
SULCOV, ARTHUR	156 WILLIAM ST	10038 212-785-0240
TFC INSURANCE	40 FULTON ST	10038 212-602-6400
TILDEN, JOHN P	123 WILLIAM ST	10038 212-266-0700
POWER INSURANCE CO TNC	110 WILLIAM ST	10038 212-233-1399
UNIONE ITALIANA REINSURANCE CO	127 JOHN ST	10038 212-269-1951
UNITED AMERICAS INSURANCE CO	83 MAIDEN LN	10038 212-514-7400
UNITED STATES LIFE INS CO	125 MAIDEN LN	10038 212-709-6000
VIG BROKERAGE INC	8 CHATHAM SQ	10038 212-385-9520
WALSH GROUP INC	40 FULTON ST	10038 212-406-2400
WARNER REUBEN ASSOCIATES INC	100 WILLIAM ST	10038 212-809-8300
WEXFORD UNDERWRITING	40 FULTON ST	10038 212-962-3030

ZIP → 10038 212-809-8300 ←
10038 212-962-3030

<http://www.insurance-y2k.com/teldirectory/atkmanh.html>

1/2/2002

EXHIBIT
(39)



**Reuben
Warner**
Associates, Inc.

100 WILLIAM STREET • 20TH FLOOR
NEW YORK, N.Y. 10038
TEL. NO. (212) 809-8300 • FAX NO. (212) 809-9065
OUTSIDE N.Y. STATE, TOLL FREE: 1-800-421-3005
EAST HAMPTON, L.I., N.Y. (516) 758-6666
JERSEY CITY, N.J. (201) 963-3822

TELECOPIER TRANSMITTAL

DATE: 1/3/02

TIME: 1:05

TRANSMITTAL TO: Tony

FAX. NO: _____

LOCATION: _____

THIS TELECOPY IS BEING SENT BY:

NAME: Teri Resnick

FAX NO. (212) 809-9065

NUMBER OF PAGES (INCLUDING COVER SHEET): 2

**IMPORTANT — IF YOU DO NOT RECEIVE ALL PAGES, PLEASE
CALL BACK AS SOON AS POSSIBLE:**

IN NEW YORK STATE - (212) 809-8300
OUT OF NEW YORK STATE - (800) 421-3005

THANK YOU.

EXHIBIT
(40)

“YOUR SUCCESS IS OUR GOAL”

(9)

510



**AMERICAN HOME
ASSURANCE COMPANY**
NEW YORK, NEW YORK A CAPITAL STOCK COMPANY FOUNDED 1853

APPLICATION FOR ACCIDENT INSURANCE UNDER CONVERSION PRIVILEGE

APPLICATION is hereby made to the American Home Assurance Company for Accident Insurance.

Name of the Insured (Last)	(First)	(Middle Initial)	Date of Birth
Address	Amount of Principal Sum		
Name of Group Policyholder	Policy Number		
Name and Address of Beneficiary	Relationship		
Date of Termination of Employment	Signature of Applicant		
Date <u>19</u>			

RATES

ACCIDENTAL DEATH, DISMEMBERMENT, OR LOSS OF SIGHT BENEFITS

Amounts Available: \$50,000.00 to \$250,000.00

ANNUAL PREMIUM PER \$1,000.00 PER APPLICATION

ALL STATES (EXCEPT NEW YORK AND MASSACHUSETTS)

Ages 16 - 52 \$1.25	Ages 63 - 69 \$3.00	(Renewal Only) Ages 70 - 79 \$4.00
------------------------	------------------------	--

NEW YORK STATE RESIDENTS

Ages 16 - 70 \$1.25	(Renewal Only) Ages 71 - 79 \$1.25
------------------------	--

MASSACHUSETTS RESIDENTS

Ages 16 - 62 \$1.20	Ages 63 - 69 \$3.00	(Renewal Only) Ages 70 - 79 \$4.00
------------------------	------------------------	--

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This form with your payment should be submitted to:

Reuben Warner Associates, Inc.
100 William Street
New York, NY 10038

EXHIBIT
(41)

Reuben Warner Associates, Inc. is American Home Assurance Company's Managing General Agent for Individual AD&D business.
Your check should be payable to Reuben Warner Associates, Inc.



APPLICATION FOR ACCIDENT INSURANCE UNDER CONVERSION PRIVILEGE

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Name of the Insured (Last)	(First)	(Middle Initial)	Date of Birth
Address	Amount of Principal Sum		
Name of Group Policyholder	PAI 804 92 78 and Policy Number		
Name and Address of Beneficiary	Relationship		
Date of Termination of Employment	Signature of Applicant		
Date _____ 19_____			

RATES

ACCIDENTAL DEATH, DISMEMBERMENT, OR LOSS OF SIGHT BENEFITS

Amounts Available: \$50,000.00 to \$ 500,000.00

ANNUAL PREMIUM PER \$1,000.00 PER APPLICATION

ALL STATES (EXCEPT NEW YORK AND MASSACHUSETTS)

Ages 16 - 62 \$1.25	Ages 63 - 69 \$3.00	(Renewal Only) Ages 70 - 79 \$4.00
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NEW YORK STATE RESIDENTS

Ages 16 - 70 \$1.25	(Renewal Only) Ages 71 - 79 \$1.25
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Ages 16 - 62 \$1.20	Ages 63 - 69 \$3.00	(Renewal Only) Ages 70 - 79 \$4.00
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100 William Street
New York, NY 10038

EXHIBIT
(42)

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Your check should be payable to Reuben Warner Associates, Inc.

The U.S. Equal Employment Opportunity Commission

FOR IMMEDIATE RELEASE
Tuesday, October 3, 2000

CONTACT: Reginald Welch
David Grinberg
(202) 663-4900
TTY: (202) 663-4494

EEOC ISSUES NEW GUIDANCE ON DISCRIMINATION IN EMPLOYEE BENEFITS

WASHINGTON - The U.S. Equal Employment Opportunity Commission (EEOC) today issued a new section to its Compliance Manual which provides the Commission's first comprehensive analysis of some of the most important employee benefits issues under the anti-discrimination laws.

The new Compliance Manual section analyzes benefit discrimination claims under each of the laws enforced by the Commission, clearly explaining that the laws prohibit discrimination in fringe benefits. "This guidance makes clear that employers are never allowed to consider employees' race, color, sex, national origin, or religion, nor retaliate against them, in connection with their benefits plan," said EEOC Chairwoman Ida L. Castro. "The section also explains that benefit plan provisions that differentiate on the basis of age or disability must be carefully scrutinized to ensure they do not run afoul of the law."

The section examines the legal standards that apply to claims of discrimination in health and life insurance benefits, long-term and short-term disability benefits, severance benefits, pension or other retirement benefits, and early retirement incentives. The limited circumstances in which the law permits employers to provide lower benefits to older employees than to younger workers and the specific requirements of the Americans with Disabilities Act are set forth.

Ms. Castro added: "Issuing this new section is a major step in EEOC's continuing efforts to update and streamline its Compliance Manual in order to aid our investigators and attorneys in handling claims involving discrimination in employee benefits while also enhancing our customer service." The new Compliance Manual section replaces former Section 627: Employee Benefit Plans and seven other Commission policy statements.

This is the second issuance of new sections to the Compliance Manual in recent months. In May, EEOC issued a new section on "threshold" issues, the factors considered by the Commission in determining who can pursue a legal claim of employment discrimination. The full text of the both new sections, as well as other information about the Commission, is available on the agency's web site at www.eeoc.gov.

EXHIBIT
(43)

415

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. Dixon McKenzie
 Human Resource Director
 Continental Micronesia, Inc.
 P.O. Box 8778
 Tamuning, GU 96931

PER FILING CHARGE
Ashtiani, Tony H
THIS PERSON (check one)
<input checked="" type="checkbox"/> CLAIMS TO BE AGGRAVED
<input type="checkbox"/> IS FILING ON BEHALF OF ANOTHER
DATE OF ALLEGED VIOLATION
Earliest 07/12/2001 Most Recent 07/12/2001
PLACE OF ALLEGED VIOLATION
Tamuning, GU
CHARGE NUMBER
378A200115

NOTICE OF CHARGE OF DISCRIMINATION

(See EEOC "Rules and Regulations" before completing this Form)

You are hereby notified that a charge of employment discrimination has been filed against your organization under:

- TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
- THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1987
- THE AMERICANS WITH DISABILITIES ACT
- THE EQUAL PAY ACT (29 U.S.C. SECT. 206(d)) investigation will be conducted concurrently with our investigation of this charge.

The boxes checked below apply to your organization:

- No action is required on your part at this time.
- Please submit by 02/08/02 a statement of your position with respect to the allegation(s) contained in this charge, with copies of any supporting documentation. This material will be made a part of the file and will be considered at the time that we investigate this charge. Your prompt response to this request will make it easier to conduct and conclude our investigation of this charge.
- EEOC has instituted a Mediation program which provides parties with an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please indicate that desire on the enclosed form and respond by 01/24/02 to Denise Farnand (415) 356-5044. If you DO NOT wish to participate in Mediation, you must submit a statement of your position to the Commission Representative listed below, by the above date.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

300 Ala Moana Blvd.
 Room 7-127, Box 50082
 Honolulu, Hawaii 96850

Emily Mauga
 (Commission Representative)
 (808) 541-3120
 (Telephone Number)

Enclosure: Copy of Charge

BASIS OF DISCRIMINATION

RACE COLOR SEX RELIGION NAT. ORIGIN AGE DISABILITY RETALIATION OTHER

CIRCUMSTANCES OF ALLEGED VIOLATION

See enclosed Form 5, Charge of Discrimination.

Exhibit
 (44)

DATE
 01/10/2002

TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL
 Timothy A. Riera
 Director

SIGNATURE

PATIENT CHART NO.: 197020014 APPOINTMENT WALK-IN URGENT CARE DATE: 7/02/2001 TIME: 11:47:42

PATIENT INFORMATION

PATIENT'S LAST NAME ASHTIANI	FIRST MATTHEW	MI M.	BIRTHDATE 12/10/87	SEX () MALE () FEMALE
MAILING ADDRESS P.O. BOX 12723	CITY TAMUNING GU	ZIP 96931	INSURANCE CARRIER MULTI	RELATIONSHIP TO INSURED CHILDREN
HOME ADDRESS 333 LEYANG ROAD "FLEX"	CITY BARRIGADA GU	ZIP 96931	INSURANCE ID. NO. 0307190348-3	EFFECTIVE DATE 1/01/00 P1
INSURED'S NAME CATHERINE ASHTIANI	EMPLOYER COAIRMIC	SOCIAL SECURITY NO. 532-84-8782	PRIMARY M.D. PMC CLINIC	CO-PAY 10.00
TELEPHONE NUMBER HM: 853-5575 WK: 842-8800		OTHER INSURANCE CARRIER	INSURANCE ID. NO.	EFFECTIVE DATE 8/08/00 11:47:42

I authorize the release of my medical information/records for services rendered by PMC Isla Health System, including physician's services and supplies to my insurance earlier for payment of medical benefits. I am responsible for co-payments, deductibles and other charges not paid for by my insurance. I am aware that PMC Isla Health System may refer any unpaid charges and related fees therefrom to a collection agency to pursue payment.

PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE: *X T. ASHTIANI* Date: *7/02/01*

DESCRIPTION	CODE	CODE	FEES	DESCRIPTION	CODE	FEES	DESCRIPTION	CODE	FEES
	NEW PAT	EST PAT							
OFFICE VISITS									
Problem focused, minor	99201	99211		INJECT/ IMMUNIZATIONS/SKIN TEST			CARDIOLOGY		
Expanded prob. foc. minor	99202	99212		HIB	90645/6/7		EKG	93000	
Detailed, low complex	99203	99213		Dtap	90700		Rhythm, strip	93040	
Comprehensive, mod. complex	99204	99214		IPV	90713		Stress test	93015	
Comprehensive, high complex	99205	99215		Hep Vac B (child)	90744		Holter monitor	93230	
Post-op, follow up		99024		Hep Vac B (adult)	90746		Echo, real time	93307	
				MMR	90707		Echo, pulse wave	93320	
PREVENTIVE CARE EXAMS									
Infant (0-1Yr.) Exam	99381	99391		DT (child)	90707		Doppler, color flow	93325	
Child (1-4Yrs.) Exam	99382	99392		TD (adult)	90718		Stress Echocardiogram	93350	
Child (5-11 Yrs.) Exam	99383	99393		Pneumovax	90732		RESPIRATORY		
Adoles (12-17 Yrs.) Exam	99384	99394		Influenza	90657/8/9		O2 /Breathing therapy	A4618	
Adult (18-39 Yrs.) Exam	99385	99395		Varicella	90716		Spirometry	94010	
Adult(40-64 Yrs.) Exam	99386	99396		PPD	86580		Nebulizer	94664	
Adult (65 +) Exam	99387	99397		Epinephrine	J0170		Nebulizer, subsequent	94665	
				Rocephin mg	J0696		Pulse oximetry	94760	
CONSULT									
Problem focused, minor	99241			Solumedrol 40mg	J2920		ENT		
Expanded prob. foc. minor	99242			Kenalog mg	J3301		Hearing test	92551	
Detailed, low complex	99243			Bicillin units			Removal of cerumen	69210	
Comprehensive, Mod complex	99244			Lidocaine	J2000		Therapy IV		
Comprehensive, high complex	99245			Depo Provera 150 mg	J1055		Infusion therapy	90780	
REFERRING PHYSICIAN									
BASIC LIFE/ WK. DISABILITY									
Basic life disability exam	99450			OTHER/IMMUNIZATIONS/ MEDICATIONS			Occult blood	82270	
Work related disability exam	99455						Urine pregnancy test	81025	
MATERNITY CARE									
1ST OB	99205			I & D Abscess simple	10060		Urinalysis, dipstick	81002	
OB Per Visit	59426			I & D of cyst	10040		Blood sugar (accuchek)	82948	
Fetal NST	59025			Repair lac 2.5cm/less	12001		Cholesterol, total	82465	
Post partum (vaginal)	59430			Repair lac 2.6 cm-7.5	12002		SUPPLIES		
GYN PROCEDURES									
Colposcopy	57452			BX of skin lesion	11100		Vaginal supplies/PAP	Q0091	
Colposcopy, w/ Biopsy	57454			Exc lesion:5cm or less	11400		Other vaginal supplies	Q0111	
EMB	58100			Exc lesion .6cm-1cm	11401		Preparation kit 1V	A4914	
Endocervical Curette	57505			Exc lesion 1.1cm - 2	11402		Ear supplies	A9900	
Exc. Lesion/cervix(polypectomy)	57500			Skin tags removal	11200		Gauge dressing	A6216	
Tx of lesion vulva(warts)	56501			Wart removal	17110		Surgical tray	A4450	
Cryocautery Init. Repeat	57511			INJURIES/LESION			OTHER SUPPLIES:		
Cautery of cervix	57510								
LEEP	57460			SPECIFY LOCATION/SIZE/LENGTH/NUM			SPECIFY LOCATION/SIZE/LENGTH/NUM	SERVICE SURCHARGE	
IUD INSERTION	58300						Handling Laboratory Spec	99000	
Diaphragm Fitting	57170						Serv. After Office Hrs.	99050	
Post partum (cesarian)	59430						Serv. Bet. 10pm-8am	99052	
OTHER PROCEDURES:									
Circumcision	54150						Serv on Sunday/Holiday	99054	
Vasectomy	55250						Office Serv. On Emergency	99058	
OTHER PROCEDURES:									
							Special Reports	99080	
							Prolonged O.V. Direct/1st h	99354	
							Prol. O.V. direct, each add.	99355	
							Prol. O.V./H.V. Indirect, 1st	99358	
							Prol. O.V./H.V. Indirect, eac	99359	
							Holding Room every hour	HOLRM	
CONDITION RELATED TO:	03 ACCIDENT	IF ACCIDENT/INJURY:	PLACE OF VISIT						
01 ILLNESS	04 MVA	PLACE	05 ADULT						
02 PREGNANCY	04 WORK INJURY	WHAT KIND OF ACCIDENT	06 PEDIA						
	04 SCHOOL INJURY	REMARKS	08 OB/GYNE						
EXHIBIT (45)									
DANTONIA APE LANES, M.D.									
PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE: <i>ACX</i>									
NEXT APPT DATE: TIME: MD:									
TOTAL DUE FROM PATIENT									
TOTAL DUE FROM INSURANCE									
RECEIPT NO. <i>372</i>									



WHOLE HEALTH

Discharge Information Form

CMI Family Medical Center
P.O. Box 22588
GMF, Barrigada, Guam 96921
671-642-8359

DISCHARGE INSTRUCTIONS

Please fill out the Patient Satisfaction Survey or go
on line to www.wholehealthnet.com – click feedback

Medication given/prescribed fyladol as needed for fever # Refills
(circle) (name, strength and frequency)

Medication given/prescribed Augmentin 500 mg 1/2-5 times a day # 23000 # Refills
(circle) (name, strength and frequency) a day x 14 days

Medication given/prescribed # Refills
(circle) (name, strength and frequency)

Medication given/prescribed # Refills
(circle) (name, strength and frequency)

Discharge Instructions
keep areas clean and dry, wash areas in soap
and water 2 times a day
wash hands a lot!!! no scrubbing though

Follow-up Plans 2 weeks, if develop fever return to clinic

I have received information about my condition, instructions for further treatment or consultation, if necessary, and all my questions have been answered. I have been given information about how to properly take this medication, its indications (potential benefits), contraindications (situations in which I should not take the medication), and precautions (possible risks). I understand that should I have any additional questions about my condition, I can call the medical clinic for information.

Patient Signature

Matthew Ashton

7/15/03

Date

Patient Name (PLEASE PRINT)

SS#

I have reviewed the discharge instructions with the patient and the patient has verbally expressed understanding of these instructions.

Provider Signature/Printed Name

Tobias, Maria S. M.D.

Date

7/15/03

EXHIBIT
(46)

234

Form 10-3a/01

CMI Family Medical Center

P.O. Box 22588
 GMF, Barrigada, Guam 96921
 671-642-8359

DISCHARGE INSTRUCTIONS

Please fill out the Patient Satisfaction Survey or go
 on line to www.wholehealthnet.com – click feedback

Medication given/prescribed _____ # _____ Refills _____
 (circle) (name, strength and frequency)

Medication given/prescribed _____ # _____ Refills _____
 (circle) (name, strength and frequency)

Medication given/prescribed _____ # _____ Refills _____
 (circle) (name, strength and frequency)

Medication given/prescribed _____ # _____ Refills _____
 (circle) (name, strength and frequency)

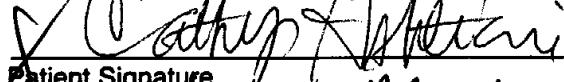
Discharge Instructions _____

- * Plenty of fluids - gatorade
- * Vit C 500 mg
- * Motrin - for fever
- * antihist

Follow-up Plans _____

as needed cough
 concerns? T unionry
 → call! dehydratn.

I have received information about my condition, instructions for further treatment or consultation, if necessary, and all my questions have been answered. I have been given information about how to properly take this medication, its indications (potential benefits), contraindications (situations in which I should not take the medication), and precautions (possible risks). I understand that should I have any additional questions about my condition, I can call the medical clinic for information.



Patient Signature

Ashtiani Matthew

Patient Name (PLEASE PRINT)

9/24/03

Date

000-00 0144

SS#

I have reviewed the discharge instructions with the patient and the patient has verbally expressed understanding of these instructions.



Provider Signature/Printed Name

Jitka Lom, M.D.

Date

9/24/03

EXHIBIT
 (47)

368

Form 10-3a/01

UNUSUAL OC CURRENCES			
NAME	TIME	ASSIGNMENTS	REMARKS
DALE	1435-1505	JL 1141	941/942 12 NRT
Tony A.	1444-1620	✓227 on car ✓/V paperwork	943 21 SPN
Eric /Garber	1530-1630	✓49	932/967 14 NRT
Vic /Dane	1535-1640	JL 1146	943/944 16 KTK
Scott /Marlow	1605-1715	JL 1052 - Dispatch Help DC-10	945/946 18 KTK
Mike /PR	1705-1715	063 26GUNWOP / 1900 43 105 902/963	902/963 8 NRT
Joe K /Marlow	1740-1745	235	916/973 17 NGO
Eric /Garber	1535-1740	301 (AT 1000-1100) RER-FAC 940/941	10 DPS
Vic /Dane	1644-1815	✓246 SV Form complete for car 953	19 ROR
Tony A.	1550-1815	238 Early bird - 5/1 car 940/945	20 SPN
Scott /Marlow	1645-1900	236	942/941 12 MNL
Joe K /Marlow	1800-1910	227 (Janes/Hamby) 985	10 HCG
		TY	
Mike /PR	1705-T	062 SV off pla oil 001 9-012	
Tony A.	SV inside	✓105 1000-1100 102 PWL radio more light than bias	
Eric /Garber	+ outside	on time on way / run comp train VLV 1000 auto	
Eric /Garber		Run inst. of ITS	
Eric /Garber	1710-0810	232 GTF young man 1000-1020 10 TICL 952	
		L146 > Heat Exch	
Joe K /Marlow	1715-0845	250 S. off pla oil 957 14 MNL 843	
		software upgrade	
Scott /Marlow	2000-0830	074 off pla oil 073 8 NRT 961	
Eric /Garber	SV inside	1000 1000-1100 1000 / 1000 Climate above 60°	
		outside option 7/01 low 3 temp intake 1000 / 5000 40° intake	

EXhibit
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336.

Charles Salzberg, M.D., Inc.

Specialists in the Ultrasound, Diagnostic & Pain Management
Board Certified Physical Medicine & Rehabilitation

October 1, 2002

Alex Chenet, M.D.
Guam Adult Pediatric Clinic
612 N. Marine Drive, Suite 8
Dededo, GU 96929

RE: ASHTIANI, TONY
Date of Service: October 1, 2002
Date of Injury: June 26, 2001
Membership/Claim #: 03071903481

PHYSICAL MEDICINE AND REHABILITATION CONSULTATION

Dear Dr. Chenet:

Thank you for asking me to see this patient in consultation. I examined him on October 1, 2002.

COMPREHENSIVE HISTORY

CURRENT COMPLAINTS:

- 1) Neck pain.
- 2) Mid back pain.
- 3) Lower back pain.

HISTORY OF INJURY:

Patient claims that on June 26, 2001, he was injured. At that time, he was working for Continental Airlines. He was forced to work by himself, lifting up a very heavy object weighing in excess of 100 lbs. This was first considered a work injury. Subsequently, it was discovered that patient had some degeneration of his spinal region. It was told to him by the third-party payor that this degeneration represented his injury. Interestingly, patient never previously had any pain from his spinal region. The question of whether or not patient had degeneration in the past really is of consequence. The reason is because he never had any previous pain until he was injured while working on June 26, 2001. Therefore, even if he did have a pre-existing condition, it was at worst asymptomatic, i.e., without pain. The thing that caused his pain was the injury suffered on that date. Subsequent to the injury, patient has had physical therapy care and has been seen for MRI for his lumbar spine. Lumbar spine MRI of May 31, 2002 revealed facet degenerative changes at L-5/S-1. Subsequently, this was later defined more

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Mailing Address: P.O. Box 1150 · Kamuela, HI 96743-1150 · 808-885-8477 · FAX: 808-885-8335

fully by Dr. Berg as being somewhat atypical for his age group, as he is in his late 30's.

He still complains of fairly significant lower back pain complaints.

PREVIOUS SUCH PROBLEMS; PREVIOUS OR SUBSEQUENT INJURIES:

Denied.

CURRENT SYMPTOM REVIEW:

He says on a pain scale of 1-10, his current pain is an 8-9 in severity. It hurts all the time. It has responded to chiropractic care with Dr. Larkin and some physical therapy sessions.

MEDICAL HISTORY:

ILLNESSES: Non-contributory.

ALLERGIES: No known drug allergies.

CURRENT MEDICATIONS: Motrin for pain.

OPERATIONS: Previous hernia surgery.

SOCIAL HISTORY:

The patient is married, and has two children. He has a college education. He denies smoking and drinking.

FAMILY HISTORY:

Prostate cancer.

REVIEW OF SYSTEMS:

EYES: Non-Contributory.

ENT: Non-contributory.

CARDIOVASCULAR: Non-contributory.

PULMONARY: Non-contributory.

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GI: Non-contributory.
GU: Non-contributory.
CNS: Non-contributory.
MUSCULOSKELETAL: Non-contributory.
NEUROLOGICAL: Non-contributory.

SOURCE OF ALL FACTS SET FORTH IN THE HISTORY OF COMPLAINTS:

The history as related to me by the patient.

RADIOGRAPHIC REVIEW

I have reviewed the MRI films and do agree with the MRI report.

COMPREHENSIVE PHYSICAL EXAMINATION

THORACOLUMBAR SPINE EXAMINATION

INSPECTION: No scars are noted. No scoliosis is observed. Thoracic kyphosis is normal. There is normal lumbar lordosis. Leg lengths are equal.

PALPATION: There is tenderness over the lumbar paravertebral region, worse on the right than on the left. PA palpation at L-4/5 produces moderate pain response.

LOWER EXTREMITY EXAMINATION

Femoral, dorsalis pedis, and posterior tibialis pulses are 2+ and symmetrical bilaterally. Fabere test is negative bilaterally. Gaenslen's test is negative bilaterally.

NEUROLOGIC EXAM

Straight leg raising test is negative bilaterally. Femoral stretch sign is negative bilaterally. There is no atrophy noted of the buttocks, thighs, or calves. Reflexes at the knees and ankles are 2+ and symmetrical. Sensation to pinprick and light touch is normal and equal bilaterally throughout the lower extremities.

INDEPENDENT PROCEDURES

LUMBAR RANGE OF MOTION: NORMAL

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Flexion	35 °w/pain	60 °
Extension	10 °	25 °
Right lateral flexion	10 °	25 °
Left lateral flexion	10 °	25 °

<u>MOTOR TESTING:</u>	<u>RIGHT</u>	<u>LEFT</u>
Hip flex motor	5/5	5/5
Hip ext motor	5/5	5/5
Hip abduction	5/5	5/5
Hip adduction	5/5	5/5
Knee flexion	5/5	5/5
Knee extension	5/5	5/5
Foot dorsiflexion	5/5	5/5
Foot plantar flexion	5/5	5/5
Foot inversion	5/5	5/5
Foot eversion	5/5	5/5
Big toe dorsiflexion	5/5	5/5

MEDICAL DECISION-MAKING

IMPRESSIONS

- 1) Lumbar facet syndrome.
- 2) Lumbago

DISCUSSION / RECOMMENDATIONS

My recommendations would include active physical therapy, paravertebral nerve blocks under fluoroscopic guidance.

Thank you again for this kind consultation. If I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely yours,

Charles Salzberg, M.D.

Charles I. Salzberg, M.D.
Physical Medicine and Rehabilitation

CIS/ah
Cc: Netcare Life and Health

*exhibit
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GRIEVANCE RECORD
TEAMSTERS LOCAL 986
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Member's name TONY ASHTIANI

Date DEC/19/99

Job Class TECHNICIAN / SWING S. Depl MAINT Work phone 642-8910 Ext

Member's address P.O. BOX 12723 City TAMUNING, GU Zip Code 96931
SSN 582-84-8767 Date of Hire 1/14/1985 Home Phone: 734-5575

Name of Company against whom you are filing grievance: CONTINENTAL MICRONESIA, INC.

Grievance is filed due to a contract violation of Article 26 & 30 Section 26 PAR'C & 30 PAR'A

A management person to contact: MR. GLENN - MENDOZA

Name(s) of witness(es) to violation: MR. RON - ROBERTS

Shop Steward's name MR. JUAN CRUZ

INSTRUCTIONS: Please print or type your grievance. Write down everything you can remember. What happened? How did it happen? Who was there when it happened? Please allow a reasonable time for your grievance to be answered by the Company within the time limits set forth in your contract.

EXPLAIN GRIEVANCE IN DETAIL: I BELIEVE CONTINENTAL MICRONESIA INC.
HAS BEEN IN VIOLATION OF FAIR STANDARD PRACTICES ACT
AMONG EMPLOYEES OF OUTSIDE HERITAGE & ANCESTRY.

MR. MENDOZA'S LETTER DATED NOV/14/99 IS INVALID AND IS
PREMEDITATED Targeting (FORM OF HARASSMENT) letter was
WRITTEN PRIOR TO DATE OF INCIDENT!

THIRD LEVEL INCIDENT IS NOT PROPERLY SEQUENCED
NO VERBAL COUNSELING PRIOR TO FIRST LEVEL INCIDENT.

THERE WAS NOT A PREMEDITATED "NO SHOW" OCCURRED
AT ALL. THIS WAS A SIMPLE TRADE INCIDENT.
A MISUNDERSTANDING BETWEEN TWO CO-WORKERS.

RELIEF REQUESTED: 1) ALL MAINTENANCE SUPVS. MUST READ AND UNDERSTAND
THE FEDERAL LAWS IN REGARDS TO DEPT OF LABOR.

FAIR STANDARD PRACTICE

2) THE CONTENTS OF COMPLAIN WILL BE FORWARDED TO
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION IN HONOLULU, HI.

T. ASHTIANI EXHIBIT

Member's signature

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COMPANY'S REPLY: GRIEVANCE IS DENIED PER IBT AGREEMENT PAGE 61
ARTICLE 24, ITEM K, STEP 1C. ALLEGATIONS MADE WILL
BE HANDLED UNDER A SEPARATE PROCESS. D. HALLEY

RECORD OF ACTION BY UNION: Presented to Mr. Dimitri @ 0746 12/21/99

AGENT R. Roberts

DATE 12/21/99

BUSINESS AGENT COPY



July 12, 1994

COPY

TONY ASHTIANI
Employee No. 01966CM
P.O. Box 8557
Tamuning, Guam 96931

Dear Tony:

During a recent pay review which was conducted as part of the union negotiations, it was discovered that you are currently being paid at a rate of \$17.75 which is your pay seniority at Continental Airlines. However, the union contract provides that any mechanics transferring from Continental Airlines to Continental Micronesia will be credited with their Continental pay seniority up to a maximum of three (3) years. You should have been placed at three year pay scale when you came to Guam. Unfortunately, an error was made and you were credited with your full pay seniority.

This is to notify you that effective pay period ending 7/16/94, your rate of pay will be corrected to reflect the proper amount of \$15.55 per hour. In the meantime, another audit will be conducted to determine the extent of the overpayment to you by the Company. Once we have that information, a determination regarding the overpayment will be evaluated. You will certainly have an opportunity to be part of the resolution discussion.

If you have any questions, please feel free to contact Teresa Sage in Employee Relations. She will be happy to assist you to the extent possible at this time.

Sincerely,

Keith Higgins
Maintenance Manager

cc Teresa Sage
 Bud Parry
 Jimmy Muraki
 Glen Mendoza

C:\WPDOCS\KH940712.003

- Please
- READ
 - HANDLE
 - APPROVE
- and
- FORWARD
 - RETURN
 - KEEP OR DISCARD
 - REVIEW WITH ME

Date _____

Post-it™ routing request pad 7664
www.post-it.com

ROUTING - REQUEST

To Cut P-160
Personnel
File
Hamil Ashtiani
Emp # 01966CM
C. Rate \$15.55
17.75

From _____

000079

EXHIBIT
(51)

Director
Equal Employment Opportunity Commission
300 Ala Moana Blvd, Room 7-127
P.O. Box 50082
Honolulu, HI 96850

Dear Director:

The undersigned would like to request a Notice of Right to Sue authorization on my charge of discrimination (EEOC Charge _____) because I intend to pursue this matter through private litigation.

I have not been coerced, pressured, intimidated or threatened into making this request. I have had explained to me my options, legal rights and I voluntarily elect to make this request with the full knowledge that the EEOC will terminate any and all actions in regard to my involvement in this case. I am also aware that I must file a private suit in Federal District Court within (90) days from the date of issuance of the Notice of Right to Sue.

Date

SIGNATURE

PRINT FULL NAME

HOME ADDRESS

CITY, STATE, ZIP CODE

TELEPHONE NUMBER-HOME

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4/4

To: Raymond J. Griffin Jr:

I am an Aircraft Mechanic employed by Continental Micronesia Inc. I have worked for this company for 8 years. During my employment here I have witnessed many actions taken by supervision which were discriminatory, I have even been the recipient of extreme racial treatment here. I have had supervisor's who would not allow me to attend trainning assignments for no other reason than my Leadman telling them that the "WHITE GUYS HERE ARE LAZY AND USELESS"! There are mechanics here that have been late to work daily for as long as I can remember that get perfect attendance records every year, they are local, and for that reason they are not reprimanded. There have been local mechanics who have not aquired sufficeint trade days prior to going off Island, who have not made it back in time for scheduled work and the Supervisors simply cover it up and don't even bother to fill the vacant slot, let alone tell someone about it, or even record it. There are two seperate rule's at CMI, one for local mechanics and one for others. When it comes to enforcing discipline for mechanics making mistakes at work, locals receive far more lenient punishments for committing the same errors as those that are not local. Take a look at the employee records here and I'm sure you'll find numerous cases where similar mistakes have been made by many mechanics and yet the local mechanics punishments are far less severe than that received by others.

Tony Ashtiani has worked for this company for many years. I believe the company has not delt fairly with him. My name is Larry Kimball and I have written this letter to help shed light on this company's discriminatory treatment of it's employee's.


Larry Kimball

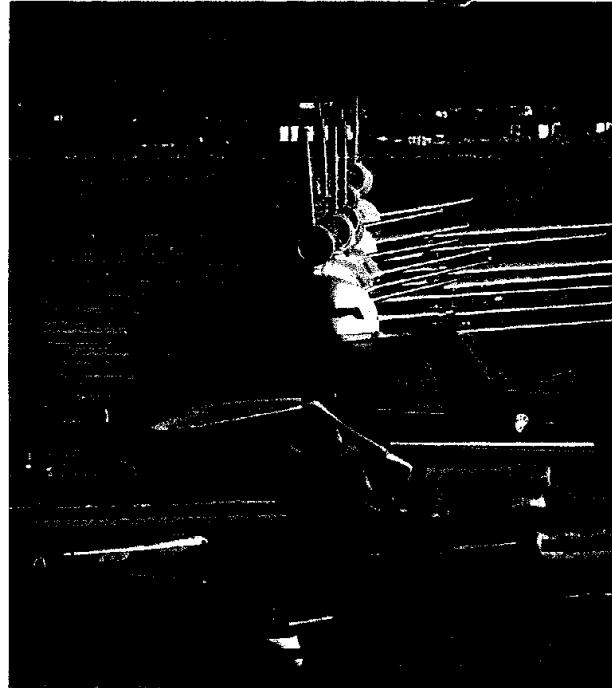
Exhibit
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DATE	DISCUSSION	SUPERVISOR
1 FEB 93	<p>EMPLOYEE IS ASSIGN TO VACATION RELIEF STATUS. IN 5 MONTHS THAT MR. ASHTIANI WAS ASSIGN TO SWING SHIFT, HE DID A "SUPER" JOB THAT WE ON SWING ARE GOING TO MISS AN OUTSTANDING AND WELL LIKE INDIVIDUAL.</p> <p>NO LATES OR TARDY AS OFF NOW, KEEP UP WITH YOUR PERFECT ATTENDANCE.</p> <p><i>Orsiyan</i></p>	

000325

Exhibit
(54)

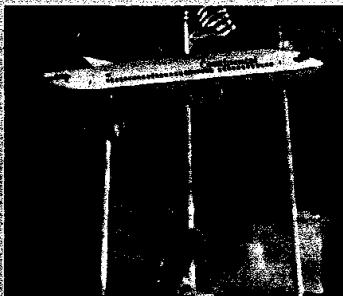
RIGHT BEFORE
DC-10 being
PARKED.
I GOT TERMINATED.
"TIMING"??



Hundreds of aircraft have been temporarily grounded in the Mojave desert. Many carriers, including CO, are parking planes at the airport. More planes are expected to be parked by carriers.

7 X DC-10 RETURNED TO LEAVING CO.
LART OF MIX MOTINE I AM
HITTING 40 YRS OLD, NEW TRAINING IS REQUIRED
SO AS EVERY BODY A/S/E MUST GET TRAINED
DC-10 EXITED in AUG/SEP-01

GUM/JPN



A delegation representing all components of Guam's tourism industry recently traveled to eight cities in Japan to discuss the territory and convey a message that GUM remains a safe destination for Japanese travelers. After each seminar, the delegation held press conferences for local media to discuss safety issues.

★ GUM Sales hosted a 767 ribbon cutting and open house, which was designed to market CO's new 767-400 to Guam/Saipan travel agencies, OnePass Elite members and the local news media. Guam's governor also attended the event.

NEXT GENERATION 767
joined the fleet on Guam.
OCT - 01.

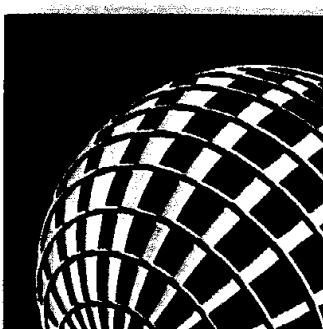


Exhibit
(55)
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